

LEAGUE OF NATIONS

PERMANENT MANDATES COMMISSION

---

MINUTES

of the

SEVENTEENTH (Extraordinary) SESSION

Held at Geneva from June 3rd to 21st, 1930,

including the

REPORT OF THE COMMISSION TO THE COUNCIL

and

Comments by the Mandatory Power.

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GENEVA, 1930.



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LEAGUE OF NATIONS

PERMANENT MANDATES COMMISSION

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MINUTES OF THE SEVENTEENTH (Extraordinary) SESSION

*Held at Geneva from June 3rd to 21st, 1930,*

**Including the Report of the Commission to the Council  
and Comments by the Mandatory Power.**

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(1) On page 83, thirty-second line, the words :

“ M. Van Rees had at the beginning of the sixth session . . . ”.

should read as follows :

“ M. Van Rees had, at the beginning of the sixth *meeting* . . . ”.

(2) On page 145, eleventh line, of the English text, the words :

“ the time has come to define the legal foundation of the first of these assertions ”,  
should read as follows :

“ the time has come to define the *obligations imposed by the mandate on the mandatory Power* ”.

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Geneva, July 24th, 1930.

LEAGUE OF NATIONS

PERMANENT MANDATES COMMISSION

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MINUTES

of the

SEVENTEENTH (Extraordinary) SESSION

Held at Geneva from June 3rd to 21st, 1930,

including the

REPORT OF THE COMMISSION TO THE COUNCIL

and

Comments by the Mandatory Power.



Washington, D. C.

REPORT OF THE

COMMISSIONER OF THE GEOLOGICAL SURVEY

FOR THE YEAR

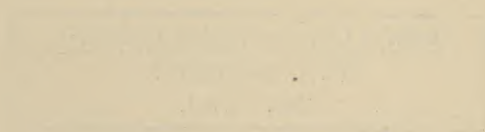
SEVENTEENTH (1896-1897)

AND THE PROGRESS OF THE SURVEY

UNDER THE ACT OF MARCH 3, 1879

BY

JOHN W. POWELL, Director



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**PERMANENT MANDATES COMMISSION**

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**MINUTES  
OF THE SEVENTEENTH (Extraordinary) SESSION**

*Held at Geneva from June 3rd to 21st, 1930.*

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The work of the seventeenth (extraordinary) session was exclusively devoted to Palestine.

All the members of the Commission were present at the session, namely :

Marquis THEODOLI (*Chairman*) ;  
M. VAN REES (*Vice-Chairman*) ;  
Mlle. DANNEVIG ;  
Lord LUGARD ;  
M. MERLIN ;  
M. ORTS ;  
M. PALACIOS ;  
Count DE PENHA GARCIA ;  
M. RAPPARD ;  
M. RUPPEL ;  
M. SAKENOBÉ.

Also present at certain meetings: Mr. C. W. H. WEAVER, Representative of the International Labour Organisation.

*Secretary* : M. V. CATASTINI, Director of the Mandates Section.

The Commission held twenty-one private plenary meetings between June 3rd and 21st. On June 13th, 14th, 16th and 17th, the members of the Commission sat in committee.

The following members were unable to attend certain meetings : The Chairman, the sixteenth meeting ; Mlle. Dannevig, the fourteenth to twenty-first meetings ; Lord Lugard, the first to seventh meetings ; M. Orts, the first and ninth meetings ; M. Palacios, the first and second meetings ; Count de Penha Garcia, the first meeting.

The following attended certain meetings of the Commission as accredited representatives of the mandatory Power :

Dr. T. Drummond SHIELS, M.C., M.P., Parliamentary Under-Secretary of State for the Colonies ;  
Mr. H. C. LUKE, C.M.G., Chief Secretary to the Government of Palestine ;  
Mr. T. I. K. LLOYD, of the Colonial Office ;  
Mr. G. L. M. CLAUSON, O.B.E., of the Colonial Office.

M. Van Rees (Vice-Chairman), in the absence of Marquis Theodoli, acted as Chairman at the sixteenth meeting.

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## FIRST MEETING.

*Held on Tuesday, June 3rd, 1930, at 11 a.m.*

### Opening of the Session.

The CHAIRMAN declared the seventeenth (extraordinary) session of the Permanent Mandates Commission open.

He was sure that all the members of the Commission had heard with regret that M. Kastl felt obliged, owing to his numerous other duties, to hand in his resignation. During the three years of his membership on the Commission all the members had learned to appreciate his high qualifications both in colonial matters and in international questions in general, his tact, his knowledge of men, and his perfect courtesy.

The Commission was glad to learn that the Council had filled the vacancy thus created by appointing Dr. Ruppel, whose high qualifications were well known. His colleagues would certainly join with him in cordially welcoming this new member of the Commission.

Lord Lugard had informed the Chairman that he regretted that a previous engagement which he could not put off prevented him from attending the first meetings. The Chairman was very sorry that the Commission would be without his valuable assistance at the beginning of its work, but he was glad to say that Lord Lugard would be present as from June 6th.

The Chairman wished to take the present opportunity to assure his colleagues that he fully realised how difficult it was to take account of the various individual preferences in regard to the opening date of the sessions, and that the choice of date was always liable to inconvenience one or more of the members.

He was aware that, by convening the Commission at Geneva a week before the date (June 10th) fixed for the opening of the ordinary session, he had caused some inconvenience to several of his colleagues. As, however, the documents of the two sessions had to be sent to the Council by August 15th at latest, he had unfortunately had no alternative.

*The Commission decided that the following telegram should be sent to Lord Lugard :*

“ Letters received. Commission unfortunately unable postpone Palestine enquiry. Looks forward to your arrival as soon as possible. Kind regards.”

\* \* \*

The CHAIRMAN then spoke as follows :

Before discussing the procedure to be followed in examining the documents submitted to us concerning Palestine, I think I should briefly recapitulate in their chronological order the events which have led up to the present session.

The serious incidents in Palestine which so deeply moved world opinion occurred in the latter half of August 1929. They were referred to first by several members of the Council, on September 6th last, and subsequently in the Assembly.

The Council expressed its sympathy with the victims of these events, its regrets for the disturbances and its hope that order would be restored. It also adopted a proposal put forward by M. Procopé, Rapporteur for mandates questions, to the following effect :

“ . . . in accordance with the procedure indicated in the Covenant itself and already followed under similar circumstances, documents which are of interest in connection with these incidents should be forwarded to the Permanent Mandates Commission, in order that the Commission might thoroughly examine them at its next session or at an extraordinary session, and inform the Council of its views thereon.”

At its sixteenth session (see Minutes, pages 108, 110, 116) the Commission noted that it had not yet received the documents it desired from the mandatory Power.

After an exchange of views, the Commission adopted the following resolution :

“ In accordance with the desire expressed by the Council of the League of Nations at its meeting of September 6th, 1929, the Permanent Mandates Commission proposes to hold an extraordinary session in the month of March next. The Commission has no doubt that, by that time, it will have received from the mandatory Power all the information which will enable it to form an opinion as to the incidents in Palestine, their immediate and more remote causes, the steps that have been taken to tranquillise the country and the measures for the prevention of any recurrence of such events.”

This decision was immediately communicated to the British Government through one of that Government's accredited representatives, and in conformity with the Commission's Rules



of Procedure, to the President of the Council, for approval. The latter, in a letter dated November 27th, 1929 (see Minutes of the sixteenth session, page 187) stated that he approved the Commission's decision.

At its meeting on January 13th, 1930, the Council approved the Commission's action. In view of a statement made by the British representative to the effect that the report of the Commission of Enquiry would probably not be ready by March, the Council decided to authorise the Mandates Commission to meet in extraordinary session — if not in March, then at a later date — in order to examine the documents forwarded by the mandatory Power with regard to the events in Palestine.

I endeavoured, through the Secretary-General, to obtain certain information from the British Government in time to allow me to fix definitely the date of the extraordinary session either in the latter part of March or at the beginning of April. Towards the middle of February, I was informed that the British Government was unable to indicate even approximately the date upon which the documents concerning Palestine could be communicated to the Commission. Under these circumstances, I came to the conclusion that the documents would, in all probability, not be received in time for the Commission to examine them and draw up its report to be submitted to and examined by the Council at its session beginning on May 12th. On the other hand, I felt that I could not keep the members of the Commission any longer in doubt regarding the date of the extraordinary session, and desiring to avoid the unfortunate impression that would be caused by a meeting at which the Commission merely noted the absence of the necessary documents, I requested the Secretary-General on February 10th to inform the President of the Council and the members of the Mandates Commission that, in these circumstances, I deemed it impossible to convene an extraordinary session of the Commission before the May session of the Council.

The date of the opening of the ordinary summer session had already been fixed for June 10th. In order to spare my colleagues the trouble of two journeys to Geneva, I convened the Commission to meet in extraordinary session immediately before the ordinary session. It should be understood that the session which opens to-day will be devoted exclusively to the events in Palestine and that a special report will be drawn up and submitted to the Council with regard to this session.

#### **Procedure to be followed by the Commission.**

The CHAIRMAN said that, as in the case of the Commission's examination of the information on Syria at its extraordinary session in February 1926, it would, he thought, be useful for the Commission first to have an exchange of views in regard to the procedure to be followed in this special case before the accredited representative appeared before it.

*The Commission decided, after an exchange of views, to postpone its final decision as to the procedure to be adopted until its next meeting.*

#### **Procedure to be adopted regarding Petitions received concerning Palestine.**

M. CATASTINI proposed that the Commission should decide on the procedure to be adopted regarding the various petitions which would have to be examined during the present session. He submitted the following list of these petitions :

- I. List of various communications received after the recent events in Palestine (document C.P.M.1019 ; see also Minutes of the sixteenth session, page 172).
- II. Petition dated September 7th, 1929, from M. Ihsan el Djabri (document C.P.M.936). Observations of the British Government dated March 31st, 1930 (document C.P.M.999).
- III. Telegram dated September 1st, 1929, from the Nablus Arab Executive Committee, transmitted by the British Government with its observations, on November 8th, 1929 (document C.P.M.959).
- IV. Telegram from the President of the Supreme Moslem Council, transmitted on October 14th, 1929, by the High Commissioner for Palestine (document C.P.M.958).
- V. Letter and memorandum dated February 17th, from the President of the Supreme Moslem Council, transmitted by the British Government on May 12th, 1930, with its observations thereon (document C.P.M.1014).
- VI. Telegram dated January 8th, 1930, from the Syro-Palestinian Executive Committee, Cairo, transmitted to the mandatory Power for observations on May 26th, 1930 (document C.P.M.1018).

This list would seem to call for the following observations :

1. The communications mentioned in paragraph I had been submitted to the members of the Commission and to the British Government merely for information, and did not seem to call for any further action at the moment.

2. The petitions mentioned in paragraphs II and III had been transmitted by the British Government with its observations. They contained general complaints regarding the administration of Palestine and the events which had recently occurred in the country. The Commission could, if necessary, take these petitions into account during its examination of the general situation in Palestine. Perhaps a Rapporteur might be entrusted with the duty of ensuring that the essential points of the petitions were dealt with during the session and, in due course, drafting the conclusions relating thereto.

3. The petitions indicated in paragraphs IV and V (documents C.P.M.958 and C.P.M.1014), contained either complaints regarding the status of the Wailing Wall or protests against the resolution adopted by the Council of the League of January 14th, 1930. The Commission might perhaps prefer to put these petitions on one side, in view of the fact that the settlement of the question of the Wailing Wall had been entrusted by the Council to a special Commission. In any case it would be useful to appoint a Rapporteur to draft conclusions in this sense.

4. The petition mentioned in paragraph VI (telegram dated January 8th, 1930, from the Syro-Palestinian Executive Committee (document C.P.M.1018)) had merely been added for purposes of record. The time-limit for the submission of observations had not yet expired. It was, however, possible that the accredited representatives would be able to give some explanation regarding the special point raised in the petition, in which case the Commission might be able to deal with the petition finally during the present session. If so, the Commission might appoint a Rapporteur to submit to it conclusions regarding this petition.

After a short exchange of views, the Commission appointed the following Rapporteurs :

M. PALACIOS : Petitions II and III ;  
M. RAPPARD : Petitions IV and V ;  
Count DE PENHA GARCIA : Petition VI.

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## SECOND MEETING.

*Held on Tuesday, June 3rd, 1930, at 3.30 p.m.*

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### Procedure to be followed by the Commission (continuation).

The Commission continued the discussion of the procedure to be followed during the session.

*The Commission adopted the following draft as a basis for the procedure to be followed in examining the accredited representative :*

“ The Permanent Mandates Commission has two documents under consideration :

“ (1) A report of the Commission on the Palestine Disturbances of August 1929 ;

“ (2) Statement to be made by the British accredited representative at the seventeenth (extraordinary) session of the Permanent Mandates Commission (Annex 2).

“ The Permanent Mandates Commission hopes that the accredited representative of the mandatory Power will, at the beginning of the session, develop the different points dealt with in that document and complete it.

“ The Permanent Mandates Commission would be glad if the accredited representative, in the statement which he may be so good as to make, would deal with the following points :

“ (1) The conclusions of the mandatory Government concerning :

“ (a) The events which occurred in Palestine from September 1928 to August 1929 ;

“ (b) The immediate causes of these events ;

“ (c) The responsibilities involved ;

“ (d) The underlying causes of the events,

with an indication of the reasons and considerations which inspired the conclusions of the mandatory Government.

“ (2) The steps taken by the mandatory Government in order to provide against a recurrence of similar events.

“ (3) The policy which the mandatory Government intends to follow in order to give effect to the mandate for Palestine, and in particular to Article 2 of the Mandate, and the steps which the mandatory Government contemplates in order to carry out this policy.

“ The statement which the Permanent Mandates Commission invites the accredited representative to make might, in the view of the Commission, serve as a basis for the work of the present session.

“ The summary statement already presented (Annex 2) could hardly furnish such a basis unless it were completed in the manner proposed.”



**Policy of the British Government in Palestine : Supplementary Statement by the Accredited Representative of the Mandatory Power.**

Dr. T. Drummond Shiels, Parliamentary Under-Secretary of State for the Colonies, Mr. H. C. Luke, Chief Secretary of the Palestine Government, Mr. T. I. K. Lloyd, Colonial Office, and Mr. G. L. M. Clauson, Colonial Office, accredited representatives of the mandatory Power, came to the table of the Commission.

The CHAIRMAN thanked His Britannic Majesty's Government for authorising Dr. Drummond Shiels to come to Geneva in order to give the Commission any explanations it might require, to reply to any questions it might put, and to co-operate with it generally in throwing light upon the events which had happened in Palestine in August 1929. The Commission was also gratified that Dr. Drummond Shiels would have the competent assistance of Mr. Luke, Mr. Lloyd and Mr. Clauson, whom he welcomed on behalf of the Commission.

The documents before the Commission in connection with the Palestine disturbances of August 1929 consisted of the statement already submitted (Annex 2); the report of the Commission of Enquiry, the appointment of which had been announced by the Secretary of State for Foreign Affairs in September 1929; various petitions and publications which had been transmitted to the Commission either direct or through the British Government; and a memorandum by the Jewish Agency for Palestine.

Of these various documents the Commission considered that two were of particular importance, namely: (1) The statement (Annex 2) and (2) the report of the Commission on the Palestine disturbances of August 1929.

The Chairman then handed the accredited representatives a copy of the programme of procedure which it was proposed to follow.

Dr. Drummond SHIELS wished to express the appreciation of his colleagues and himself for the very kind welcome extended to them by the Commission. He fully appreciated the various points contained in the proposed programme and would be glad to deal in detail later with the various matters raised, as well as with the question of the evidence collected by the Shaw Commission. He would ask permission first to make the following statement by way of supplementing that already forwarded (Annex 2):

I am very grateful for the opportunity which has been given me of making a few introductory remarks on the subject that is before the Commission.

I should like to say at the outset that I esteem it a high privilege to appear before the Commission at Geneva, and to be associated personally, if I may so put it, with the great work that is being done by the League of Nations. The supervision of mandated territories forms no small part of the world-wide activities in which the League of Nations is engaged. It is a task which my Government, as a mandatory Power, is determined to promote and assist to the utmost of its capacity, and by all the means at its disposal. We believe it to be a function of the highest importance, and we are most anxious to further the benevolent policy by which we know the League and the Permanent Mandates Commission to be inspired. Whatever I can do to lighten your task, whether by elucidation on doubtful points, or by furnishing further facts or explanations, you may count upon me to assist to the very utmost of my ability.

I do not think that in my opening statement it will be necessary for me to trespass upon your patience very long. An explanatory statement has already been circulated to the Commission, which I presume that members have had the opportunity to study. I suggest that in our British phrase that statement may be "taken as read". It deals, point by point, with the conclusions and recommendations recorded in the report of the Special Commission which examined the causes of last year's outbreak in Palestine. No doubt when we come to matters of detail there will be many points, both in connection with the report and with the explanatory statement, upon which you will wish to question me. Meanwhile, I will confine myself, in my present remarks, to the broader issues as they present themselves to the view of the British Government.

You have probably had an opportunity of reading the statement made by the British Secretary of State for Foreign Affairs to the Council of the League of Nations on May 15th last. In that statement Mr. Henderson dealt briefly with certain of the more salient features of the Commission's report and the issues arising out of them. He referred, in the first instance, to the primary duty of the mandatory Government to preserve order, and he indicated the steps which had been taken to that end. I will only add one sentence to what he said on this subject. The report of Mr. Dowbiggin, the police officer deputed from Ceylon to assist the Palestine Government, has now been received, and is under examination in London. It would be premature for me to say more on this subject at the present stage. You may be assured that it is engaging our most earnest attention.

I have little to add to what Mr. Henderson has said on the subjects of land and immigration. The matter is dealt with in some detail in paragraph 5 of the explanatory statement to which I have already referred. Sir John Hope Simpson is now in Palestine, and his report must be awaited before a final decision of policy can be taken.



There is one matter, however, which I should like to deal with in this connection. You will observe towards the end of the paragraph to which I have just referred a statement to the effect that " the question of a temporary suspension of immigration is under examination ". Since the paragraph was written, certain steps in the direction of a temporary suspension have in fact been taken. These steps have called forth much protest by representatives of Jewish interests. This, I would venture to say, has been largely due to misapprehensions based upon inaccurate reports which have gained currency in certain quarters. If the Commission will allow me, I should like to read to them the text of an answer which I myself gave in the British House of Commons on this subject on May 21st. The reply was as follows :

" There has been no general stoppage or prohibition of immigration. The Secretary of State is aware that, owing to a misunderstanding, a schedule of 3,300 persons was approved early in May by the High Commissioner for the half-yearly period ending September 30th next. This figure included 950 persons whose admission had been sanctioned in advance. His Majesty's Government have taken the view that, having regard to the criticisms made in the Shaw Commission report, and the consequent mission of Sir John Hope Simpson to Palestine for the special purpose of examining questions relating to land and immigration, it is desirable, pending the receipt of Sir John Hope Simpson's report, that further arrivals should, in the meantime, be restricted. It has accordingly been decided to confine the issue of certificates for the present to the 950 persons whom I have mentioned. No certificates have been cancelled, nor has a final decision been reached as to the labour schedule covering the whole period to September 30th next."

That will explain precisely what has taken place. You will observe that the action of the British Government has been of a purely temporary and provisional character. Statements to the effect that " immigration has been stopped " are untrue. We fully realise the important part played by immigration in the policy which we are carrying out under the mandate, as approved by the Council of the League of Nations, namely, that of setting up in Palestine a National Home for the Jewish people. As has been stated repeatedly we have no intention of departing from that policy, or of acting otherwise than in accordance with the terms of the mandate. We await guidance from Sir John Hope Simpson's report as to the lines on which that part of our policy should be pursued in future, and, in the meanwhile, during the few weeks or so that must elapse before that report is in our hands, it seemed to us that considerations of prudence required us to proceed cautiously. A forecast of intended immigration — such as it has been customary to give every six months — was announced in Jerusalem before the High Commissioner was in full possession of our views, and this has been the occasion of criticism as suggesting a difference of policy. While this misunderstanding was unfortunate, we believe that our action was wise and reasonable. Moreover, it involves no final decision on the schedule for the current half-year.

Mr. Henderson also touched upon two other points. First, the delegation of Palestinian Arabs that lately visited England, and, secondly, the proposed Commission to deal with the question of the Wailing Wall. The delegation has now returned to Palestine after a series of conversations with representatives of the British Government, which, while they did not lead to anything in the nature of an agreement, did much to clear the air, and to place the Government in full possession of the Arab view. I cannot but think that these conversations served a distinctly useful purpose. As regards the Wailing Wall, the Commission has now been appointed, and will shortly proceed to Palestine to enter upon its investigations.

So much for the larger issues as they present themselves to my mind. I do not wish to enlarge upon the general difficulties of the position. They have been sufficiently dealt with in the explanatory statement which I have mentioned more than once, and, indeed, they are, I believe, thoroughly familiar to the minds of the members of the Commission. Nor do I wish here to make any special reference to the deplorable events which took place last August. There will be ample opportunity later to answer any questions the Commission may wish to put to me upon these occurrences.

The point that I wish to make for the moment is that the events of last year left their inevitable aftermath in an atmosphere of unrest and uncertainty, resentment and suspicion. It could not be otherwise. I will not waste your time with expressions of idle regret ; but I do wish you to understand that the British Government is determined to do all in its power to dissipate the unhappy atmosphere that has been created, and to find means of settlement, which will place the whole question on a sounder and more satisfactory basis, and will reconcile, so far as it is humanly possible to reconcile, the conflicting elements in the situation. It is to that task of reconciliation that we are now addressing ourselves, and which we are determined to carry to a successful issue.

Our task in Palestine, as laid upon us by the mandate, is, as is well known, a two-fold one. We are committed not only to the establishment in Palestine of a National Home for the Jewish people, but also to the preservation of the civil and religious rights of the non-Jewish communities in the country. It is sometimes said that the two parts of this obligation are irreconcilable. We believe that they can be reconciled, and must be reconciled. We believe that the National Home can be established without detriment to non-Jewish interests, and, indeed, that it can and will confer lasting benefits upon the country in which all sections of the population will share.



I would refer you in this connection to the opinion expressed in the report of the Shaw Commission. The Commission has recorded the view that " Jewish enterprise and Jewish immigration, when not in excess of the absorptive capacity of the country, have conferred material benefits upon Palestine, in which the Arab people share ". This passage is one to which I think it right to call attention.

It was inevitable, owing to the circumstances in which, and the purpose for which, the report was produced, that no special emphasis should be laid in its pages upon the positive value of Jewish enterprise in Palestine. The Commission's task was one of critical examination of certain incidents and their causes, and a search for measures to prevent a recurrence. Similarly, the explanatory statement which has been circulated to you on behalf of the British Government was primarily concerned with the findings of the Shaw report ; it did not do more, and indeed was not intended to do more, than indicate the steps that had been taken, or were in contemplation, to deal with the conclusions and recommendations of the Commission. I wish to take this opportunity, however, of publicly associating the British Government with the opinion expressed by the Commission as to the benefits that have been conferred upon Palestine by the remarkable enterprise and devotion of the Jewish people.

The experiment of setting up the National Home may well be described as an unprecedented one. Inevitably it involves certain risks of mutual misunderstandings and conflict of interests. It has been, and is, the difficult task of the British Government to deal as effectively as possible with these problems. In this effort, things have to be done, at times, which provoke attack from those who do not fully trust British Governments. But, despite all criticisms — merited and unmerited — I make bold to claim that this work has been discharged, from the beginning, with fairness and with a substantial measure of success. No administrative measures that have been, or may be, found necessary, must be taken to imply any failure on our part to appreciate the noble ideals underlying Jewish aspirations in Palestine, or the unique character of their actual achievements in the country. It is our earnest hope and our fixed determination that means shall be found that will permit two ancient civilisations, the Jewish and the Arab, to develop side by side under conditions which will become progressively more and more harmonious.

#### **Evidence given before the Commission of Enquiry.**

The CHAIRMAN thanked the accredited representative for his supplementary statement.

He pointed out that, at the Council's meeting on May 15th, 1930, Mr. Henderson had stated that the evidence given before the Commission of Enquiry would be published as soon as possible and would be simultaneously handed to the Secretary-General for distribution to the Permanent Mandates Commission. Unfortunately the evidence had not yet reached the Commission ; the Chairman merely wished to draw attention to the fact, without implying any blame.

Dr. Drummond SHIELS replied that his Government greatly regretted that it had been impossible to print the evidence in time for its consideration by the members of the Mandates Commission at the present session. The Commission of Enquiry had returned to England in January and had had to use the evidence in drawing up its report, which was not completed until the end of February.

Notwithstanding the great efforts made by the printers and the anxiety of the British Government to place the evidence before the Mandates Commission at the present session, a great deal of time had been required for correcting the evidence, arranging for indexing, and so forth, and Dr. Drummond Shiels had been able to bring with him to Geneva, only about one-third of the evidence. The amount of work involved would be realised when he said that the whole volume would be equivalent to the Minutes of about seven sessions of the Permanent Mandates Commission. He hoped that the entire evidence would be ready by the end of the month. He realised that it could not be of any great value to the members of the Commission at that time, but he hoped that they would realise the reasons for the delay, which the British Government regretted equally with them.

#### **Procedure : Opinion of the British Government on Various Conclusions of the Report of the Commission of Enquiry.**

Dr. Drummond SHIELS said that, while the accredited representatives were anxious to fall in with whatever the Commission suggested in regard to procedure, it should be observed that the examination in detail of the items indicated would require a great deal of time. As regards the conclusions, for instance, of the mandatory Government concerning (a) the events which occurred in Palestine from September 1928 to August 1929 ; (b) the immediate causes of these events ; and so forth, he would refer the Commission to paragraph 4 of the Statement (Annex 2), where it was stated that the position of His Majesty's Government was that it accepted generally the findings of the Commission of Enquiry under a certain number of headings, though this was not to be taken to mean that they accepted those findings in detail.

As regards other matters involved, the British Government had not made any declaration as yet, and the accredited representative hoped to deal with them as they arose, as well as



with the details of the other points mentioned. He was quite prepared to deal at once with some of the points ; for instance, the steps taken to prevent a recurrence of similar events.

He would, however, have thought that the Commission would prefer to take the various questions in their chronological order and, for instance, to consider first what was the position in Palestine before the outbreak and whether there was anything in the way in which the mandate was administered before the disturbances that had led to them. Next, the Commission might examine the disturbances themselves and the steps taken by the mandatory Power to quell them and to restore calm ; and, lastly, to consider what steps the mandatory Power had taken since the disturbances to make a recurrence of them unlikely.

If the Commission agreed with these suggestions, Dr. Drummond Shiels would propose that he might at the next meeting start with a general statement on the first phase, and that the Commission should put questions to him on that statement.

The CHAIRMAN noted that the Commission agreed with the procedure suggested by the accredited representative. His system appeared to be an excellent one, especially as the members of the Commission were anxious to be quite clear on the various points indicated.

The Commission desired to be enlightened by the accredited representative as to the lines on which the mandated territory had been administered simply in order that it might be in a position to prepare its report to the Council. It had no other object. He hoped, on the contrary, that the accredited representative would remember that the Mandates Commission always endeavoured to help the mandatory Power in the accomplishment of its task and not to make it more difficult.

M. VAN REES observed that in alluding to the first point in the programme of procedure suggested by the Commission, the accredited representative had referred the members to paragraph 4 of the statement of the British Government, which said that His Majesty's Government accepted generally the findings of the Commission of Enquiry under five heads, which were there enumerated. These five heads did not include one relating either to the immediate or to the underlying causes of the disturbances. Those causes were dealt with in the Shaw report in paragraphs 44 and 45 (pages 163 and 164). Was the statement in paragraph 4 to be taken to mean that the British Government associated itself with the findings of the Shaw Commission as to the immediate and the underlying causes of the disturbances ?

Dr. Drummond SHIELS, replying first to the Chairman, said that the accredited representatives greatly appreciated the assistance which the programme provided by the Commission would give them in preparing their case.

He also wished to express his gratitude for the Chairman's statement that the Mandates Commission's object was to assist the mandatory Power in the fulfilment of its duties. He would reply that in this particular task the mandatory Power needed all the assistance it could obtain. He hoped that the members of the Commission would understand that the accredited representatives were only too anxious to furnish the Commission with full information on all aspects of the subject, and that they would welcome questions on any point for the purpose of elucidating these troublesome matters and of enabling the Commission to have a full conception of the truth of a very complicated and difficult position.

He thanked M. Van Rees for calling his attention to certain omissions in the statement. It was quite true that that statement was a very limited one and was not as full as the members of the Commission would no doubt have wished it to be. He would be very glad to take note of the points which M. Van Rees had put, and at the following meeting he proposed to start with a general statement of the causes of the outbreak and of the position of the mandatory Power in relation thereto.

M. VAN REES pointed out that he had not asked for an explanation of the causes of the disturbances, but merely whether paragraph 4 of the statement was to be taken to mean that it also extended to the findings of the Shaw Commission as to the causes. That was to say, was the omission to deal with the causes in that statement an oversight or was it intentional, and had the British Government reserved its opinion on that matter ?

Dr. Drummond SHIELS thought that the explanation was that a number of the major issues had been selected and dealt with in the statement. He was not aware of any serious reservations on the part of the British Government in regard to the findings of the Shaw Commission, barring, as he had said, questions of detail, and he had no reason to disbelieve that His Majesty's Government accepted, in general, the findings as stated in the report regarding the causes. He would be very glad to have an opportunity of making a statement on this matter at the following meeting, especially in regard to the points which M. Van Rees had raised.

M. ORTS thought that he would be facilitating the accredited representatives' task if he drew their attention to the paragraph of the programme of work drawn up by the Commission in which it was said that the Commission would be glad if the accredited representative would indicate the reasons and considerations which had inspired the conclusions of the mandatory Government. The Commission was interested not so much in the opinions of the members of the Commission of Enquiry as in the conclusions which the enquiry had led the British Government to adopt.



The British Government had stated that it accepted the Commission's findings in regard to certain points which it enumerated. So far as the Mandates Commission was concerned, the report of the Shaw Commission was only one element — though it was true it was the most important — in the information placed before it. Certain of the conclusions of the report, however, had been formally contested, in particular, in a memorandum on the "Shaw" report, prepared by the Jewish Agency, an organisation which was officially recognised by Article 4 of the mandate and which was qualified to give its opinion on all questions which might affect the Jewish population in Palestine. This memorandum had been sent officially to the Secretary-General of the League of Nations in a despatch from the British Government dated May 29th, 1930. In view of the nature of the organisation which had sent it, this document was a valuable piece of information.

The Permanent Mandates Commission had thus received a contradictory documentation. It was for that reason that it was important for it to be able to appreciate the reasons which had led the mandatory Government to pronounce in favour of one of the theses before it and against the other.

Dr. Drummond SHIELS replied that one obvious reason for the British Government's attitude was that the Shaw Commission had been appointed by the Government itself as an impartial Commission whose members had no personal concern in the matters under dispute. The origin of the document from the Jewish Agency could hardly come under that category. At the same time he quite agreed that the memorandum was worthy of consideration and that the Mandates Commission was perfectly entitled to consider it. The accredited representatives were prepared to reply to any statements in the memorandum, but he thought that the replies might be quite easily worked in with the course of procedure which he had himself suggested.

The CHAIRMAN noted that the Commission agreed with these suggestions.

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### THIRD MEETING.

*Held on Wednesday, June 4th, 1930, at 10.30 a.m.*

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The accredited representatives of the mandatory Power came to the table of the Commission.

#### **Date of Publication of the Evidence given before the Commission of Enquiry (continuation).**

Dr. Drummond SHIELS read the following telegram, just received, in regard to the publication of the evidence given before the Commission of Enquiry :

"It is hoped to send copy of Shaw Commission evidence to Geneva June 14 and to publish here June 16."

#### **Immediate Causes of the Disturbances in August 1929.**

##### **INFLUENCE OF THE SITUATION AT THE WAILING WALL.**

Dr. Drummond SHIELS wished first to deal with the period before the disturbances took place ; but, before making a statement, he would like to make one preliminary observation.

It could not be doubted that hostility between the Arabs and the Jews was one of the fundamental causes of the past and present difficulties. It was also the greatest threat to peace in the future, and he thought that the Permanent Mandates Commission would agree that it would be unfortunate if any statements or replies of his, which had ultimately to be published, should give the impression that the British Government took one side or the other in racial controversies. What had happened had happened, and it was more important to try to produce peaceful relations in the future than that His Majesty's Government should pronounce judgment as between the races on every item of controversy which had been examined by the Shaw Commission.

Dr. Drummond Shiels proposed therefore to deal with points of racial and religious controversy very broadly and only in so far as they related to the items suggested on the programme of procedure drawn up by the Commission. This observation, however, did not apply to questions concerning the responsibility of His Majesty's Government or of the Palestine Government or of any of their officers. If any member of the Commission felt that they were open to criticism, he would try to meet that criticism. He hoped, therefore, that the Commission



would understand and agree with this preliminary observation, as he felt sure that it would wish with him to make the sittings of the Mandates Commission a contribution to the future peace of Palestine. It must be remembered that the published statements made in the Commission would be eagerly read by the disputants, and he, for his part, did not wish further bitterness to be engendered — a view which he felt sure was shared by the Commission.

In making his statement he would first refer to "the events which occurred in Palestine from September 1928 to August 1929".

As regards this item, His Majesty's Government accepted the historical narrative in the Shaw report for this period as a statement of facts which, so far as he knew, had not been seriously challenged; but any questions in regard to it Mr. Luke, who had been Acting High Commissioner in Palestine during the time of the disturbances, would be very glad to answer.

M. RAPPARD said that his questions must not be construed as necessarily implying a criticism. He asked them merely to enlighten his own mind and for the purpose of allowing him to form his own judgment.

His first question related to the building at the Wailing Wall (page 39 of the Shaw report) and the establishment of the muezzin, who took up his station five times a day to officiate at the "zawiyah", which was, he understood, a sort of *loggia* in which Moslem ritual exercises were performed. If the situation were normal and the people in a normal state of mind, his question would not arise but, inasmuch as the matter concerned the immediate surroundings of the Wailing Wall and populations who were extraordinarily sensitive on that point, he would ask whether, in the circumstances, the establishment of this new centre of Moslem ritualistic performances was fortunate. Must not it have resulted in an increase in the excitement instead of allaying it, even if this had not been intended?

Dr. Drummond SHIELDS recognised the importance of the question put forward by M. Rappard. He had intended to deal with it when speaking of the immediate causes, because it must be recognised that the Wailing Wall was perhaps the principal immediate cause. Mr. Luke would deal with the whole subject of the Wailing Wall (including the incident to which M. Rappard had referred) as it appeared to the Palestine Government. Mr. Lloyd, who had been Secretary of the Shaw Commission, would deal with any questions on the views of the Commission regarding the Wailing Wall incidents.

The CHAIRMAN recalled that the Council had decided to appoint a special Commission to deal with the rights and claims of the Jews and Arabs in regard to the Wailing Wall. The members of the Commission must, therefore, confine themselves to questions of fact and not in any way endeavour to deal with the task entrusted to the Commission to which he had referred.

Mr. LUKE wished at the outset to explain the nature of the Wailing Wall. The Wall against which the Jews had been accustomed for centuries to go and pray at all times throughout the year was the western exterior wall of the old Temple enclosure, and as such was a part of the Haram esh Sherif, which was one of the holy places referred to in Article 13 of the mandate; it was part of the Haram Waqf. The pavement on which the Jews stood in order to pray against the Wall was a part of another Moslem Waqf, not one of the holy places covered by Article 13 of the mandate, but to a certain extent also Moslem religious property, in that it was a part of the Abu Madian Waqf. In other words, it was Moslem religious property without being a sacred shrine. The initial difficulty therefore existed that for centuries past Jews had carried on the practice of praying at this place which, from the point of view of ownership, belonged to Moslems, not to private Moslem owners but to Moslem ecclesiastical or pious foundations.

The Abu Madian Waqf was a foundation believed to have been established by Saladin for the housing of and grant of religious facilities to Moghrabis, that was to say, to Moslems from Morocco. Those Moslems, as was often the case with North African Moslems, were at the same time a confraternity — what in other parts of the Moslem world might be called a confraternity of dervishes.

They not only lived on the property of the Waqf and had housing accommodation, but were also under an obligation to perform certain services — not orthodox Moslem services such as were performed in a mosque, but services of a Moslem confraternity which were called "Zikr", and these services were performed in a chapel, if it could so be termed, which, in the case of Moslem confraternities, was called a "zawiyah".

A special difficulty arising from this unfortunate position concerned the form of devotion which the Jews were entitled to perform at the Wall. In accordance with the White Paper issued in 1928, His Majesty's Government took the view that it was bound to maintain the *status quo* which it had regarded as being, in general terms, that the Jewish community had a right of access to the pavement for the purpose of their devotions, but might bring to the Wall only those appurtenances of worship which had been permitted under the Turkish regime.

Here arose a point of conflict, because the Jews' contention was that this stipulation meant that they might take to the Wall all the appurtenances which, in point of fact, they had at one time or another taken to the Wall under the Turkish regime. The Arab point of view was that the *status quo* meant that the Jews might take to the Wall only those things which they had been specifically permitted to take under Turkish rule. In practice, the Jews had at times, as could be determined by photographic evidence and otherwise, taken down various things for which the Arabs maintained they had no specific permission, and for the use of which they had not been able to produce documentary evidence. The Jews,



however, claimed that such documentary evidence was not necessary, and they interpreted the right of performing their devotions there as meaning congregational worship ; that was to say, services accompanied, when necessary, by the same sort of liturgical and ritual appurtenances, or at all events by some of them, as would be used in a synagogue. The Arabs' contention was that all the Jews might do was to go to the Wall just as any other person, a tourist for example, and that there was no objection to their saying prayers against the Wall provided they did so quietly.

The incidents of 1928 — the incident of the screen in particular — had brought about a state of mind which led the Arabs to take action in, and around, the Wailing Wall which would tend to have the result of emphasising their rights of ownership, and so arose the question of these new buildings to the south of the Wall itself — the *zawiyah*, Wall, etc., and also a revival of the *Zikr* in this neighbourhood together with the stationing of a muezzin on the roof of the *zawiyah*. The difficulty with which the Palestine Government had been faced in this situation had been that it had possessed no jurisdiction to determine the rights and wrongs of the two parties at the Wailing Wall. Thus, His Majesty's Government, with whom the Palestine Administration had been in constant communication had invited the Law Officers of the Crown to give an opinion on the general question of the principles involved and the gist of the Law Officers' advice was to be found in the letters quoted on pages 37 and 38 of the Shaw report, which made clear its nature.

As regarded M. RAPPARD's specific question, the stationing of the muezzin in this neighbourhood had undoubtedly alarmed and upset the Jews ; there was no question about that. The Shaw Commission commented in this way on that point (page 39) :

“ The calling of the muezzin was not stopped ; the question was, as the Law Officers had said, one of the degree of annoyance or provocation caused by the calling of prayer, and it may be that the Palestine Government decided that this ceremony, taking place as it did at set times, could not legitimately be prohibited.”

In addition to that point of view, there had also been the consideration that it would have been a very difficult and delicate thing to inform the Moslems that they must cause a muezzin to cease from giving the call to prayer in a place which was not only their property, but which was actually Moslem religious property.

M. RAPPARD understood that the muezzin had been stationed there when the *zawiyah* had been reconstructed, but that, for a period of years, there had been no muezzin at that place.

Mr. LUKE replied in the affirmative.

M. RAPPARD concluded, therefore, that there had been no question of preventing the muezzin from continuing his exercises, but rather that of authorising him to begin them ?

Mr. LUKE agreed that the muezzin had been a new factor in the situation, but it was not within the power, nor was it the duty, of the Government of Palestine to give authority to muezzins to call to prayer.

M. RAPPARD replied that, from the strictly legal point of view, this seemed obvious. There was no doubt that the property belonged to the Moslems, and that the right of property entailed the right of use. Given, however, the state of mind of both parties, had not the exercise of the right of use by the Arabs been equivalent to an encroachment of Jewish rights? Was it not the duty of the mandatory Power, which had to maintain public order, to see that property was not used in such a way as would probably lead to a disturbance of the peace ?

Mr. LUKE said that this contention in the light of subsequent events, seemed very clear, but the Palestine Government could hardly have assumed that an act for which, apparently, the Moslems had legal justification was definitely going to bring about a breach of the peace, and ought, therefore, to be prevented, nor would such an attitude have been in accordance with the ruling of the Law Officers of the Crown. That it had been a difficult situation, Mr. Luke freely admitted. It was, moreover, the contention of the Moslems, upon the accuracy or otherwise of which he was not in a position to pronounce an opinion, that the construction of the *zawiyah* was, in fact, a reconstruction, that it had been there in previous times, had fallen into disuse, and had been turned into a private house, and that they had taken the opportunity to restore that building to its original use in order to emphasise their ownership in this region.

M. RAPPARD said he realised that there were extremists on both sides. The Jewish fanatics wanted an increase in toleration, the Arab fanatics an increase in restriction. Apparently the mass of opinion, both among Arabs and Jews, however, thought that, if both were secured for all time in the rights they had enjoyed during the last ten years, they would be, if not satisfied, at least resigned. All the encroachments, therefore, from one side or the other appeared to be inspired by a need to defend themselves. Was this indeed the case ?

Mr. LUKE said that his answer to M. Rappard's question was in the negative. It was not the case that people generally were content with the *status quo* of the last ten years, because



the Jews were always dissatisfied with a state of affairs which meant that the place which they regarded as the most sacred building to them in the world, and to which for centuries they had resorted for the purpose of prayer, was in the ownership of another faith. For years past the Jews had tried to remedy this state of affairs, which was necessarily irksome and distasteful to them. In the early days of the British occupation, in the days of the military administration, negotiations had been started by the Jews for the purchase of the pavement of the Wailing Wall from the Abu Madian Waqf. These negotiations had broken down, but it was definitely the case that the Jews had wanted an improvement, from their point of view, of the state of affairs at the Wall.

M. ORTS recalled that the Jews and Moslems had their own ideas of the *status quo* which were opposed to each other. It was this fact which had led to continual incidents in recent years before the Wailing Wall.

On the other hand, he was not aware that the mandatory Administration had ever clearly expressed its own opinion regarding the *status quo*. The only official definition of the *status quo* available was that contained in the observations of the British Government on a memorandum from the Zionist Organisation annexed to its despatch dated October 29th, 1928.<sup>1</sup> This definition read as follows :

“ The Palestine Government and His Majesty's Government have taken the view that, having in mind the terms of Article 13 of the Mandate for Palestine, the matter is one in which they are bound to maintain the *status quo*, which they have interpreted as being that the Jewish community have a right of access to the pavement for the purposes of their devotions, but may bring to the Wall only those appurtenances of worship which were permitted under the Turkish regime.”

This definition was, to say the least of it, fragmentary. With a view to the maintenance of public order, was it not necessary to make this definition more precise and to inform the persons concerned what the *status quo* — as officially defined — permitted them to do and what they were prohibited from doing ? For example : were the Jews permitted to carry out before the Wailing Wall manifestations which were non-religious in character ? Were the Moslems, on their side, authorised to sound the muezzin, to play music, to pass back and forth on the pavement before the Wall with their domestic animals during the Jewish religious ceremonies ?

Mr. LUKE replied that the Palestine Government had not been in a position to make a complete statement of what it understood to be the *status quo* at the Wailing Wall. The quotation from the White Paper of 1928, which M. Orts had read, was probably as far as the Government had ever gone in the direction of a definition. The word “ fragmentary ” was, to that extent, perhaps, not an incorrect term. The reason that the Government of Palestine had not been in a position, as yet, to establish a complete picture of the *status quo* at the Wailing Wall as it existed in its own mind was due largely to the fact that it could not determine that *status quo*, and partly also to the fact that it had not yet obtained the necessary information to enable it to form a complete opinion.

The Commission was aware that, about the beginning of 1929, the Government of Palestine had called upon both the Moslem and Jewish authorities to produce their documentary evidence in support of their respective contentions. The Moslems had produced evidence, the Jews had not. In the meantime, the situation had increased in difficulty and the Palestine Government, through His Majesty's Government, had very urgently and insistently asked for the appointment of a Commission under Article 14 of the mandate, for only such a body was able to determine the position.

M. ORTS pointed out that the policy of the mandatory Power was to maintain what it considered to be the *status quo* until the completion of the task assigned to the Holy Places Commission, under the terms of Article 14 of the mandate. A certain weakness seemed to have been shown in carrying out this policy, since there had been some hesitation in defining the *status quo*. As a result, the Jews as much as the Arabs had endeavoured to create *de facto* situations which were favourable to their respective theses, in order to be able to say at the right moment that these situations confirmed a state of things which had been in existence for a number of years.

Mr. LUKE said that it was for that reason that the Government of Palestine had been so desperately anxious for the appointment of the Commission contemplated under Article 14 of the mandate, in order that that Commission, speaking with all the authority that only it could possess, should determine what the position really was.

Dr. Drummond SHIELDS pointed out that, in 1922, His Majesty's Government had prepared and presented to the Council of the League for its approval a scheme for the constitution of a Holy Places Commission to deal with this, among other matters. That scheme had not been acted upon, and it had been in view of the consequent situation that the British Government had pressed for this *ad hoc* Commission to deal with this particularly difficult problem. As Mr. Luke had pointed out, only the authority of such a body as this would be able to give to any set of provisions the character which they must bear if they were to be respected.

<sup>1</sup> See Minutes of the fourteenth session, page 251.



M. ORTS agreed. It was, however, during the period of waiting that the mandatory Administration, without prejudging the final decision, should have imposed on the two parties respect for the *status quo* as the Administration conceived it. Since no definition of the *status quo* had been given to the parties, this period had been one of indecision, uncertainty and finally of trouble. It was as though, at the beginning of a lawsuit, the parties had been instructed to do nothing to change the existing state of affairs, though no care had been taken to ascertain what that state was and the parties had been left free to change it during the legal proceedings. The mandatory Administration had contented itself with enunciating a principle and had not based on that principle practical rules in conformity with which the two parties must act.

M. Orts, however, would not insist on this point.

The CHAIRMAN said that the *ad hoc* Commission had been appointed by the Government acting under Article 13 of the mandate and not under Article 14. It was a Commission to deal with a question affecting public order and not strictly speaking a Commission to deal with the holy places. Mr. Luke had referred to Article 14, and, as this matter was of great importance, the Chairman desired to draw his special attention to it.

Dr. Drummond SHIELS replied that, so far as he understood, that was not the view of the British Government, but rather that this Commission was set up in anticipation of the general Commission to deal with all the holy places. It was established owing to the urgent necessity of settling the matter of the Wailing Wall.

The CHAIRMAN said the position was that the British Government had undoubtedly asked that the Commission should be an anticipation of the Holy Places Commission, for which provision was made under Article 14. The Council, however, had not followed Mr. Henderson in that view, and it had said that the Commission would be created as having the character of an *ad hoc* Commission to deal with the question affecting public order. That particular question happened to be connected also with a holy place, but the Council had set up the Commission in virtue of Article 13 of the mandate, and not of Article 14. The Minutes of the Council were clear on this point. They said :

“ The Council,

“ Being anxious to place the mandatory Power, in accordance with its request, in a position to carry out the responsibilities laid upon it by Article 13 of the Mandate for Palestine under the most favourable conditions for safeguarding the material and moral interests of the population placed under its mandate ;

“ Wishing not to prejudge, in any way, the solution of the problems relating to the question of the holy places of Palestine, which may have to be settled in the future ;

“ Considering, however, that the question of the rights and claims of the Jews and Moslems with regard to the Wailing Wall urgently calls for final settlement :

“ Decides that,

“ (1) A Commission shall be entrusted with this settlement ;

“ (2) This Commission shall consist of three members who shall not be of British nationality and at least one of whom shall be a person eminently qualified for the purpose by the judicial functions he has performed ;

“ (3) The names of the persons whom the mandatory Power intends to appoint as members of the Commission shall be submitted for approval to the Council whose members shall be consulted by the President if the Council is no longer in session ;

“ (4) The duties of the Commission shall cease as soon as it has pronounced on the rights and claims mentioned above.”

Mr. Henderson had accepted this text.

Dr. Drummond SHIELS said he was glad to accept the information.

M. VAN REES stated, as regards the *status quo*, that he had never been able to admit, as was clear from the statement he had made during the fifteenth session (pages 199 and 200), that the British Government was forced to maintain only a passive attitude ; in other words, that it was obliged to maintain in full the 1912 provisions of the Ottoman Government in view of the fact that the mandate afforded the Mandatory no means of adapting to the new conditions a Turkish provision of which the object was, not to settle a point of law — since the right of ownership of the Wailing Wall had never been contested by any one — but which in reality had been merely a police order. M. Van Rees did not wish to develop this point further and would refer to the previous statement of his views. He could not, however, refrain from pointing out that, in fact, a more precise definition of the *status quo* had since been promulgated, even though only provisionally, by the High Commissioner of Palestine. This was shown from the instructions appearing on page 181 of the annual report for 1929 on the administration of Palestine. This proved that the Turkish provisions of 1912 had not been considered to be as inviolable as the White Paper of 1928 would have one think.

Like M. Orts, M. Van Rees would not insist on that point.

He wished to ask a certain number of specific questions regarding the reinstitution of the muezzin and of the ceremony of Zikr ; it was difficult for those who were not familiar with



this latter ceremony to appreciate why it was particularly annoying for the Jews who went to pray before the Wailing Wall. He would like to know at what time the Arabs had reinstituted the ceremonies in question.

Mr. LUKE said that it had been the view of the Palestine Government that its functions in a dispute of this kind were confined to the maintenance of public order. That meant that the Government had not the jurisdiction to enable it to determine a dispute of this kind. The provisional regulations to which M. Van Rees had referred, and which appeared as Appendix I to the annual report for 1929, did not profess to be a statement of the Government's view of what constituted the *status quo*, but had been drawn up purely for the purpose of enabling officers of the Government to maintain public order, pending a determination of the dispute in question.

As regards the question when the Zikr had been started in the neighbourhood of the Wailing Wall, he thought it was about May 1929.

M. VAN REES asked what had been the motives of the Arabs in instituting it ?

Mr. LUKE replied that it was difficult to say what had been in the minds of the Arabs in restarting the ceremonies in that neighbourhood. All he could say on the subject was that, arising out of the incident of the screen in September 1928, the Arabs had conceived it to be their duty to emphasise their rights of ownership. That was the way in which he had already put it, and to that definition he would like to adhere.

M. VAN REES pointed out that on this subject the Shaw report was more explicit. On page 159 of that report it was clearly indicated that the two innovations were partly intended to annoy the Jews. Paragraph 6, at the bottom of page 158, explained more clearly still what had prompted the Arabs to re-establish ceremonies which would prevent the Jews from carrying out their religious practices in a calm atmosphere, and which they had not observed for a number of years. The Arabs could therefore hardly claim that it was absolutely necessary for them to observe these ceremonies.

Mr. LUKE agreed that the re-establishment of the Zikr had not been necessary.

In reply to M. Rappard, he said that the emphasising of the rights of Moslem ownership by means of buildings and religious ceremonies had caused annoyance and a disturbance among the Jews. He did not differ from what the Shaw report said on that subject.

M. VAN REES recalled that the Shaw report definitely stated that there was a marked intention on the part of the Arabs to annoy the Jews.

Mr. LUKE repeated that he did not differ from that opinion.

M. VAN REES gathered from the previous discussion that, although the Jews had always had the uncontested right to pray before the Wailing Wall, the Arabs claimed that they should only be allowed there on the same basis as foreign tourists. From this it followed that the very right of access to the Wall for the Jews was no longer recognised by the Arabs.

Mr. LUKE said he had never heard that the Jews' right of access to the Wall was disputed.

M. VAN REES asked whether it was correct that the Jews claimed the right to bring to the Wall any object which they considered to be necessary for their religious observances.

Mr. LUKE was not aware that they claimed the right to bring all the appurtenances of worship that might exist in the Jewish religion. He would be inclined to say that they claimed the right to bring some, at all events, of the appurtenances appertaining to congregational worship.

M. ORTS asked to be informed of the date of promulgation of the instructions to which M. Van Rees had referred and which had been reproduced as an annex to the annual report for 1929, which the Permanent Mandates Commission had not yet examined.

Mr. LUKE thought that they had been promulgated about the month of September 1929.

M. ORTS said that the instructions in question did in fact fill the gap to which he had referred, even if they could not be regarded as defining the *status quo*. They carefully governed the use by the Jews and Moslems of the pavement before the Wailing Wall. It should be pointed out that the instructions had not only been drawn up for the use of the police, but they had been brought to the notice of the parties concerned. The report on the administration of Palestine for 1929 said on page 5 :

“ The provisional regulations to which reference has been made were issued as a guide to officers in the discharge of their responsibilities at the Wall and were made known to the public so that there might be no misunderstanding as to the acts which might or might not be done. They were issued in order that the Palestine Administration might discharge its primary obligation of maintaining order in the Wailing Wall area. The regulations are provisional in the sense that they do not purport to decide as between the claims of the interested communities.”

The report added :

“ No incidents of note have taken place at the Wall since the instructions were issued.”



M. Orts wished to congratulate the Palestine Government on having published these instructions, but he regretted that they had not been issued some years earlier, for they would have prevented the incidents which had occurred at the Wailing Wall and which had so largely contributed to complicate the general situation.

Mr. LUKE repeated that these regulations did not pretend to be an exposition of the *status quo*. As M. Orts had just said, the regulations were provisional in the sense that they did not purport to decide as between the claims of the interested communities. The only justification for these regulations was the maintenance of public order, and therefore they could only logically be issued when there was a risk of public order being disturbed in their absence. It would hardly have been possible to issue such regulations when there was no risk of public order being disturbed at the Wall.

He would remind the Commission of what he had said a little earlier, namely, that after the troubles in 1928 the Government had been most anxious to arrive at, or to help to arrive at, a settlement of this question and had called upon the Moslem and Jewish authorities to produce the evidence on which they relied in support of their case. The Moslems had produced their evidence, but, despite many reminders, the Jews had not.

It might be asked why the Moslems should now be more uncompromising towards the Jews than they had been under the Turkish regime. The answer to that was obvious ; under the Turkish regime there had been no Balfour Declaration. The Jews were then a small minority in Palestine without any political claims or rights. Since the Balfour Declaration the situation in that respect had been very materially changed.

M. RAPPARD said the Commission had been informed that in 1929 the reconstruction of the zawayah had been authorised and that this reconstruction was, in the opinion of the Shaw Commission — which had been accepted by the representatives of the mandatory Power — intended to annoy the Jews and to be understood as a reprisal for the setting-up of the screen in 1928. The setting-up of screens had been prohibited by the mandatory Power, but the reconstruction of the zawayah, which was a reprisal measure and intended to annoy the Jews, was authorised. It was difficult to regard this attitude as consistent with governmental impartiality.

Mr. LLOYD observed that the point raised by M. Rappard was dealt with in the “ Shaw ” report. The passage which M. Rappard had in mind was the summary on page 159 of the report, which stated :

“ The innovations of practice introduced by the Moslem religious authorities, of whom the Mufti is the head, in the neighbourhood of the Wailing Wall were intended in part to annoy the Jews and in part to emphasise Moslem rights of ownership over the Wailing Wall, the pavement in front of it and the surrounding property.”

This passage was a summary of a passage on page 75, which was as follows :

“ We believe the performance of the Zikr ceremony and the calling to prayer by the muezzin to have been intended primarily as annoyances ; the other innovations and the building operations were, we consider, intended to emphasise the legal rights and ownership which the Moslems possessed over the Wailing Wall and the neighbouring Waqf.”

According to that passage, with which Mr. Luke had expressed agreement, the Commission did not find that the construction of the zawayah was an annoyance. Only the Zikr and the muezzin were annoyances.

Mr. LUKE urged that there was an essential difference between the screen and the zawayah; the screen was an innovation by the Jews on Moslem territory ; the zawayah was a construction or a reconstruction, as the case might be, by the Moslems on Moslem territory.

M. VAN REES represented that the screen was not deliberately intended to annoy the Arabs ; it was brought there to separate the men from the women. The placing of the screen was not in itself a circumstance which would justify reprisals about eight months after the incidents of 1928. The placing of a screen was on a different footing from the re-establishment of these ceremonies which had apparently only been introduced with a definite intention to annoy.

Mr. LUKE observed that the bringing of the screen had nevertheless had the effect of annoying the Moslems. He would call attention to page 5 of the White Paper of 1928, where that point was brought out.

M. PALACIOS enquired as to the appurtenances which were allowed for congregational worship ?

Mr. LUKE replied that the appurtenances allowed at the present moment under the provisional regulations would be found on page 181 of the Palestine report for 1929.

M. PALACIOS said that they were to be found in the provisional instructions which were published, without date or signature, in Appendix I. He asked who had taken the initiative to prohibit the screen.



Mr. LUKE replied that the initiative had been taken by the Deputy-District Commissioner of Jerusalem, acting upon complaints received from the Arabs.

M. PALACIOS said that the situation seemed to be the following : although an essential change had occurred in the principle, owing to the Balfour Declaration recognised by the mandate, it was desired to preserve the *status quo* of the Turkish regime. Further, under the *status quo* the Arabs were allowed to introduce innovations, while the least alteration in the *de facto* situation introduced by the Jews — the case of the screen — was directly suppressed by the Administration. The latter gave as a reason for this that it had not the jurisdiction to prevent the activities of the Arabs who acted in virtue of their property rights. Property rights, however, were subject to considerable restrictions even in private law ; for example, in the case where lands or houses were used in the service of other lands or houses the proprietor could do nothing to prevent their being used for the purpose for which they were required. The Wailing Wall, which was surrounded by Arab institutions, must be considered as an Arab property limited by public law, which was even sacred — namely, that of the Jewish holy place — a law which had been solemnly recognised by international treaties.

M. Palacios then asked whether there had been no complaints from the Jews about the Arab innovations ?

Mr. LUKE said there had frequently been complaints.

M. PALACIOS asked whether any action had been taken against the Arabs ?

Mr. LUKE said the Administration had been guided by the advice it received from the Law Officers of the Crown.

M. PALACIOS observed that, in any event, the responsibility for the decision rested with the Administration.

The CHAIRMAN said that the main question at issue was whether the incidents at the Wailing Wall were to be regarded as a mere occasion for the disturbances of August 1929 or whether they were a real cause.

Dr. Drummond SHIELS said that, in the view of the Palestine Government, the question of the Wailing Wall was one of the principal immediate causes of the disturbances.

Mlle. DANNEVIG said the Commission had been told by accredited representatives and the High Commissioners on previous occasions that the relations between the Arabs and the Jews had become better during the years preceding 1928, and this was corroborated by a statement in the memorandum from the Jewish Agency. Was there any evidence that the Arabs would agree to that statement ?

Mr. LUKE said he was not aware of any such evidence.

Mlle. DANNEVIG observed that the Arabs might have felt that their grievances were increasing and had taken the incidents at the Wailing Wall as an occasion to bring forward their complaints and become aggressive.

M. RAPPARD also recalled that the High Commissioners and accredited representatives had repeatedly stated that the relations between Arabs and Jews had improved. The Commission had also received assurances of that fact from the Jews. Were there any statements to the same effect by the Arabs ? For proof that the feeling was better between the rival races it was necessary to have assurances from both sides. On what had the accredited representatives based their assurances that the feelings were better if there was no evidence to that effect from the Arabs ?

Dr. Drummond SHIELS said that such assurances had come from many quarters and were founded on very definite facts. Such evidence as that afforded by public order and the attitude of the Press doubtless must have been the basis of these beliefs, and he would refer to the subject later in another connection. It had always, of course, been realised that there was an element of racial antagonism which might on occasion break out of control. There was also the element of economic pressure. The time when relations were improving was also the time when emigration was practically stationary or balanced by immigration. It was quite possible that relations were improving and that yet there were factors which made an outbreak possible.

Count DE PENHA GARCIA observed that, both from the reports and from the observations of the accredited representative, it would seem that, in its conception of the *status quo*, the Palestine Government had in mind above all the legal position.

Mr. LUKE agreed.

Count DE PENHA GARCIA felt that this perhaps was a mistake. The *status quo* in the present case was not so much a question of law as of fact. It was a question not of examining what the legal rights might be, but rather of considering the *de facto* situation without dealing with its legal aspect. On that basis it would have been necessary to issue a first series of regulations. Then only, the legal questions should have been settled, as it was proposed to do now.

M. PALACIOS said that every *de facto* situation had a legal aspect.



Mr. LUKE said that a *status quo* was only attained after a formative period and after there had been stages of development. With regard, therefore, to the *status quo* at the Wailing Wall, some point of departure had to be taken. It was the view of His Majesty's Government that the Jewish community had a right of access to the pavement for the purposes of their devotions, bringing only those appurtenances which had been permitted under the Turkish regime. It was necessary to have one fixed point, and that was the point taken. It was, therefore, perfectly correct to say that the Administration was seeking for some legal basis ; it was anxious to ascertain what was actually permitted under the Turkish regime.

Dr. Drummond SHIELDS said that his own conception of a legal basis did not rule out use and practice, which were always recognised in law as having a bearing on rights.

COUNT DE PENHA GARCIA said it was, of course, easy to be wise after the event, and nobody could have foreseen what was to happen. At the same time he felt that, if the mandatory Power had, from the beginning, informed the Jews and the Arabs that they might claim and establish their legal rights later, when the final decision was given, but that in the meantime only such practices would be allowed as had been allowed in the previous year, a good deal of the trouble might have been avoided.

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#### FOURTH MEETING.

*Held on Wednesday, June 4th, 1930, at 4 p.m.*

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#### Immediate Causes of the Disturbances in August 1929 (continuation).

The accredited representatives of the mandatory Power came to the table of the Commission.

Dr. Drummond SHIELDS observed that the series of incidents connected with the Wailing Wall evidently constituted the most important immediate cause of the disturbances.

#### JEWISH DEMONSTRATION OF AUGUST 15TH, 1929, AND ARAB COUNTER-DEMONSTRATION.

M. RAPPARD asked what steps had been taken by the Administration to prevent such possibilities as the waving of the Jewish national flag at the demonstration of August 15th.

The CHAIRMAN wished to put a previous question. Had there not been processions to the Wailing Wall at earlier dates, and had not such processions given rise to incidents ? Or had a certain amount of inter-racial tolerance been observable until August 15th ?

Mr. LUKE replied that, so far as he knew, there had previously been nothing in the nature of an organised procession to the Wailing Wall, although, of course, the Jews were in the habit of repairing there on feast days in large numbers.

In reply to M. Rappard, he said that if there was one day in the whole year on which Jews went to the city walls of Jerusalem and, in particular, to the Wailing Wall — and he was referring not only to devout Jews who went there regularly on the Sabbath, but to Jews whose religious feelings were less strong — it was the ninth day of the month of Ab, a fast commemorating the destruction of the Temple by the Emperor Titus. It was for that reason that Mr. Luke had felt extreme reluctance to prevent any Jew from repairing to the Wall on that day, even a Jew who did not regularly go there for purposes of prayer at other times.

Mr. Luke did not mean to convey that that particular festival was the most important in the Jewish year. The Day of Atonement, for example, was regarded as a more important festival or fast, but it was one which could be celebrated anywhere, whereas the ninth day of Ab was a fast that was particularly connected with the Walls of Jerusalem. It was on that account that, although he had made certain conditions, not all of which had been observed, he had not been prepared to stop Jews from going to the Wall. He had felt that it would be a great shock to Jewish feeling if he prevented Jews from having access to the Wall on that particular day.

M. RAPPARD asked whether certain information which he had received, to the effect that certain responsible Jews, who feared trouble, had requested the Acting High Commissioner to prevent the demonstration, was incorrect.

Mr. LUKE replied that he had not been asked to stop Jews going to the Wall, but had merely received intimation that some excitable young Jews might go there.

M. RAPPARD, referring to the waving of the national flag, had understood that certain responsible Jews had foreseen trouble and had indicated that a demonstration with the flag had not appeared to them to be a mark of purely religious feeling.

Mr. LUKE answered that no such representations had been made to him personally.

The CHAIRMAN asked whether it was Mr. Luke's impression that this demonstration with the flag had really inflamed Arab susceptibilities.

Mr. LUKE replied that that was most certainly the case ; it had provoked the counter-demonstration on the following day.

The CHAIRMAN supposed that the Acting High Commissioner had not considered that feeling between Jews and Arabs was rising very rapidly, since otherwise he would have taken measures.

Mr. LUKE replied that the question was one of degree.

M. VAN REES asked whether the demonstration of the Jews on August 15th, 1929, had passed off peacefully, or whether the Jews had shown any violence towards the Arabs on that occasion.

Mr. LUKE replied that no violence had been offered by Jews to Arabs on August 15th.

M. VAN REES asked whether the counter-demonstration by the Arabs on the following day had occurred in the same place as the Jewish demonstration on August 15th.

Mr. LUKE replied in the affirmative.

In answer to a further question by M. Van Rees, he said that the Wailing Wall was not a place at which it was customary for the Arabs to make demonstrations or to meet in large numbers.

M. VAN REES asked why then the Administration had not thought it necessary to forbid the Arabs to make a counter-demonstration in the same place as that in which the Jews had just held a demonstration. In view of the prevailing state of excitement, there was a grave risk that such a demonstration would give rise to disturbances which had, in fact, been the case.

M. PALACIOS observed that this was a matter of some importance, since the Shaw report, on page 164, indicated the relative importance of the immediate causes of the disturbances and stated that, in the view of the Commission of Enquiry, the incident which most contributed to the outbreak, was the Jewish demonstration at the Wailing Wall on August 15th, 1929, that was to say, it considered that episode as one of the most important. No mention was made, however, of the Arab counter-demonstration. It appeared, nevertheless, that the Jewish demonstration had passed off peacefully, but that the Arab counter-demonstration had been the reverse. M. Palacios therefore strougly agreed with M. Van Rees.

Mr. LUKE replied that although the Jewish demonstration had been a peaceful one and had not been accompanied by attacks on Arabs, it had nevertheless been accompanied by certain unusual acts of a political nature, and that in spite of the fact that the Jews usually repaired to the Wall for purely religious practices. The Arab authorities had been asked to keep their people discreetly out of the way owing to the large number of Jews who would be going to the Wall on the occasion of this particular fast. It was the political nature of the demonstration that had excited the Arabs and had led to the counter-demonstration on the next day.

In reply to M. Van Rees's observation, Mr. Luke added that the political acts to which he had referred consisted in the unfurling of the national flag, a political speech, a two-minutes' silence and the singing of the Jewish national hymn, " Hatikvah ".

M. VAN REES observed that it was plain that this demonstration on the part of the young Jews was an act of pure madness ; at the same time he did not well understand why the Government had failed to see that it was dangerous to give permission to these hot-heads among the Jewish youth to demonstrate at the Wailing Wall. Nevertheless, in view of all the circumstances, he was able to comprehend the reasons for which the Government had decided not to prevent the procession. What, however, he could not grasp was why it had allowed a counter-demonstration to be held in the same place on the following day. Was it impossible for the Arabs to hold the counter-demonstration elsewhere ? Had not the precaution at least been taken of sending a sufficiently large force of police to accompany the Arab procession in order that any act of violence which might occur should immediately be put down ?

The Shaw report, on page 154, stated :

" The conduct of the counter-demonstration by the Moslems on the following day was even more regrettable : the crowd took out petitions placed in the crevices of the Wall by Jewish worshippers and burnt these and prayer-books and prayer-sheets which are used in devotional services at the Wall."

M. Van Rees did not see very clearly what had led the authorities to adopt a passive attitude instead of taking every means of ensuring the maintenance of order on that occasion, and it was for that reason that M. Palacios' remarks were of real importance.

On page 164, the Shaw Commission stated that the chief cause of the disturbances was the Jewish demonstration of August 15th, but it made no reference to the counter-demonstration by the Arabs, although the Commission had previously qualified it as being even more regrettable in view of the acts of violence which resulted from it.



Mr. LUKE replied that for obvious reasons it would hardly have been possible for him to instruct the police to inform the Jews that the Government assumed that they were going to disobey its orders ; and therefore, apart from what he had said already, he would ask M. Van Rees to consider what would have been the feeling in Jewish circles as a whole if, on that particular day of the year when the Walls of Jerusalem were invested with a particular sanctity and were the resort of all Jews who could visit them, certain of their co-religionists had been prevented by the Government from approaching the Wailing Wall on the ground that the Government prophesied that they were going to do what they had been ordered not to do.

M. VAN REES observed that that was not the main point on which he had touched. He then remarked, in reply to Mr. Luke, that when they had authorised the young Jews to take part in a procession under certain conditions, it was the duty of the authorities to see that those conditions were respected.

He fully understood the difficulties of the situation and the reasons for which the Administration had been reluctant to prohibit the demonstration, but he thought that as a measure of precaution it should have satisfied itself that the responsible Jewish authorities approved the demonstration, and that in any case it should have ensured through the police the observance of the conditions it had imposed.

Mr. LUKE replied that the atmosphere at that time had not been one of quiet deliberation and ample notice. Responsible Jewish authorities, both official and non-official, had endeavoured to persuade the young Jews from committing stupid acts, but the atmosphere had been one of excitement. He himself had not been aware that the young Jews in question were going to the Wall till they were on the point of starting.

As to the question of the police present at the demonstration, it was for the police authorities to take the necessary steps and they had sent police to the Wall.

M. VAN REES asked whether the police had been informed of all the conditions under which the Government allowed the demonstration.

Mr. LUKE said that it was through the Police Commandant personally that he had notified his conditions to the Jews.

M. VAN REES asked whether, in that case, the Police Commandant had been wrong not to take any steps to prevent the Jews from infringing the Acting High Commissioner's conditions.

Mr. LUKE said that it would have been difficult to prevent the political acts that had been committed at the demonstration. It did not take long to hoist a flag and the political speech to which he had referred was a short one.

M. MERLIN drew attention to the passage on page 160, paragraph 21 of the Shaw Commission's report stating that Major Saunders had not been clearly informed of the Acting High Commissioner's conditions and subject to which the demonstration would be permitted. This seemed to conflict with Mr. Luke's statement that the Police Commandant was perfectly acquainted with the conditions.

Mr. LUKE referred M. Merlin to page 93 of the report stating :

" It is our opinion that, in the excitement of the moment, none of those who had been present during the discussions made it clear to Major Saunders that this part of the conditions laid down by Mr. Luke had not been accepted ; Major Saunders, being unaware of the facts, gave no instructions to the police to stop the procession, etc."

Mr. Lloyd could perhaps explain what had been in the minds of the members of the Commission of Enquiry in this connection.

Mr. LLOYD said that about twenty or twenty-five witnesses had given evidence on this point. The evidence received had been very conflicting and the Commission had had to accept the evidence of some witnesses and to reject that of others. As stated in its report, the Commission had accepted Major Saunders' evidence. It was true that Major Saunders knew of the Government's instructions ; but, in the attempt to get the Jewish youth to accept the Government's conditions, the direct negotiations had been entrusted to certain responsible people, two of whom were Jewish officials who had been specially brought in to assist the Government in tiding over these difficult days. Major Saunders himself had not been present at the discussions with the Jewish youths ; but one of those who had been present had come to him and stated that the procession was moving off, but, according to the evidence of Major Saunders, had failed to make it clear that the Jewish youths had not accepted one of Mr. Luke's conditions. It was only fair to add that contradictory evidence had been given on the other side. The Commission, however, had decided to accept that of Major Saunders.

M. MERLIN said that it had appeared to him to be of importance to know whether the Police Commandant had been informed of the conditions imposed by the Government, since, if he were so informed, it would be his duty to intervene when the Jews infringed the conditions. In 1928 already, there had been demonstrations and violent articles in the Press ; there was considerable excitement on August 14th, 1929, followed by a demonstration on August 15th, during which certain acts were committed in defiance of the Government's orders. M. Merlin



therefore wondered whether the Government had had available on August 14th a sufficient police force to stop further demonstrations, or whether it was because it had not had at its disposal such a force that it might have been reluctant to give orders which it feared could not be carried out.

Mr. LUKE replied that Major Saunders had taken down his instructions on the telephone. It must be realised that the discussions between the young Jews and the responsible Jewish authorities had taken place at some distance from the Wall with the result that things began to happen before Major Saunders was aware of them. M. Merlin's question with regard to the adequacy of the police force hardly arose in that particular case, because Mr. Luke as Acting High Commissioner had given permission for the Jewish youths to go to the Wall under certain conditions.

The position on the following day was somewhat different, and in this connection he would revert to M. Van Rees' question concerning the Moslem counter-demonstration. He thought that M. Van Rees did not quite visualise the situation as it actually was, because he appeared to be under the impression that a formal request had been made to the Government for permission to hold the counter-demonstration and that the *venue* proposed for it in the request was the Wailing Wall.

That was not the way in which things had happened. At a quarter to 12 o'clock on the day in question, the Acting Deputy District Commissioner of Jerusalem had informed Mr. Luke that the Arabs from the Haram area were in a state of great excitement and were intending to go to the Wall.

Mr. Luke had been immediately struck by the extreme impropriety of any such proceeding, and he had telephoned to the Mufti to come and see him at once. Upon the Mufti's arrival Mr. Luke had told him that he had just learned of the intended counter-demonstration and added that he had never heard of such a demonstration being held at the Wailing Wall, and that it would be a terrible shock to the Jews who regarded the Wall as a place of special sanctity to them. He had insisted that the Mufti should return immediately and endeavour to prevent the counter-demonstration or, if he could not prevent it, to see that it was confined to the Haram area. The Mufti agreed to act accordingly, and left at once to carry out Mr. Luke's demand, but before he had time to get there the Moslems were all down on the pavement and the counter-demonstration had begun.

It was here that the point put by M. Merlin perhaps became apposite. There was a crowd of some two thousand fanatical Moslems rushing down a narrow lane into the narrow passage before the Wall. The use of force to stop a rush of that kind would not necessarily have been successful, and, even if it had been, it would have meant the shedding of blood in the immediate vicinity of holy places and the result would have been to "put the fat in the fire" and probably to bring about disaster.

M. MERLIN said that if he had put his question to the Acting High Commissioner, it was because he had read in the Shaw Commission's report that the Intelligence Service had done less than its duty and that although the police individually showed great courage, it appeared that there had been some indecision among its chiefs. Police headquarters, it seemed, had been taken by surprise. Although, therefore, M. Merlin did not pretend to apportion the responsibility, he must state that there had been a gap at some stage of the hierarchy. In the big cities of Europe the administration were accustomed to demonstrations but, generally speaking, the police had information beforehand and were able to take the necessary measures.

Mr. LUKE agreed that it would have been better if the Intelligence Service had been on a bigger scale. M. Merlin, on the other hand, would agree that in an eastern country where religious fanaticism was easily aroused, it was likely to boil over at any moment. That was what had happened on August 16th. There had been an ebullition of religious fanaticism. No intelligence service could have anticipated such an occurrence. The whole thing had taken place on the spur of the moment.

M. VAN REES observed that the permission given to the Jews to demonstrate before the Wailing Wall appeared to be an act of benevolence towards the Jews, but even if that were true it was incomprehensible to him that, in spite of the fact that only a few days before the demonstration — on August 3rd — attacks had been made by Arabs against Jews at the Wailing Wall, the victims of which were two Jews (page 46 of the Shaw report gave the details of these attacks), the Administration nevertheless gave permission for the demonstration. While he respected the considerations which had led to that authorisation, it was none the less true that if, as the Shaw report stated (page 164), the Jewish demonstration of August 15th was the chief cause of the disturbances which followed, which appeared to be open to question and had, moreover, been contested by one member of the Shaw Commission, Mr. Snell, M. Van Rees could not avoid coming to the conclusion that part at any rate of the responsibility for what had occurred, lay with the local authorities who had failed to surround the demonstration with the necessary guarantees.

Mr. LUKE replied that the policy of the Palestine Government had been to try to tide over these difficult times by the use of moral persuasion, diplomacy and conciliation and to avoid precipitating what might have become a very serious situation if it had adopted more drastic measures.



Dr. Drummond SHIELS with reference to the activities of certain national societies and the influence that they had had upon public opinion, said that the British Government saw no reason to differ from the views of the Commission of Enquiry as to the part played by those societies and also by the Press of both sides.

#### INFLUENCE OF PRESS PROPAGANDA ON THE DISTURBANCES.

Mlle. DANNEVIG asked when the Acting High Commissioner first became aware of incitement to violence in the Arab Press. The memorandum of the Jewish Agency contained a statement that the incitement had been begun in the Arab Press long before the absence of Sir John Chancellor. Was there no special official in the Palestine Government appointed to keep in touch with the movement in the Arab as well as the Jewish Press ?

Mr. LUKE replied that Palestine was divided into two districts and one division, and that it was part of the duties of the officers in them to bring to the notice of the Central Government, anything that came to their knowledge of an inflammatory nature in the Press generally.

M. SAKENOBÉ noted that there had been a constant and reckless Press campaign regarding the Wailing Wall controversy. Had any propaganda appeared in the Arab Press on the subject of the political and economic preponderance of the Jews to the detriment of the Arab population ?

Mr. LUKE replied in the affirmative. The Press relations between the two peoples had never been particularly harmonious on any subject.

M. SAKENOBÉ asked whether, as a result of the Press campaign, any violence had been used towards the Jews prior to August 1929.

Mr. LUKE replied that, speaking from memory, he could remember no acts of violence prior to August 1929 directly attributable to Press propaganda.

M. VAN REES observed, in regard to the conclusions in paragraph (b) on page 164 of the Shaw report that that paragraph did not accurately correspond with the observations on page 156 of the same report. According to the latter it would appear that the Jewish Press had been thought by the Commission to be less to blame than the Arab Press, whereas in paragraph (b) on page 164 both the Arab and Jewish Press were placed on an equal footing.

Dr. Drummond SHIELS replied that the information on page 164 was merely a summary of the findings of the Commission of Enquiry. As far as the Press and propaganda were concerned, the British Government had no reason to dissent from the conclusions of the Commission of Enquiry.

#### ENLARGEMENT OF THE JEWISH AGENCY.

M. PALACIOS asked why the enlargement of the Jewish Agency should be regarded as one cause of the disturbances (cause (d) on page 164). There was evidently some connection between this enlargement and the troubles. Had the enlargement been considered as a challenge ? Did the Arabs fear that these new methods would foster the progress of Zionism ?

Dr. Drummond SHIELS replied that this enlargement had evidently had a certain psychological effect on the minds of the Arabs. It had come about partly owing to the fusion of the Zionist and non-Zionist organisations at Zurich at the beginning of August 1929. This was a perfectly legitimate union and the natural outcome of the movement for the development of the Jewish National Home. The inevitable increase of potential strength, however, accruing to the Jews from such enlargement had had an effect on the Arab mind. It might be described as a minor cause of the disturbances.

M. PALACIOS asked whether any legal argument based on the terms of the mandate had been quoted by the Arabs against the enlargement of the Jewish Agency. The mandate stated "The Zionist Organisation . . . shall be recognised as such agency". Had the Arabs pointed out that a change in that organisation, which now included the non-Zionists, might legally infringe the terms of the mandate ?

Dr. Drummond SHIELS said that, so far as he was aware, no such argument had been put forward. The objections of the Arabs to the enlargement of the Jewish Agency had had no such solid legal ground. The element of fear and suspicion in the Arab mind, however, had increased as a result of this perfectly legitimate development, which was, in fact, foreshadowed in the mandate.

#### INADEQUACY OF THE MILITARY FORCES AND OF THE POLICE.

Dr. Drummond SHIELS said that it was perhaps unfortunate, as events had turned out, that there had not been more armed forces in the country on the occasion of these disturbances. On

the other hand, he would like to call attention to the Statement (Annex 2, paragraph 9) in which it was pointed out that :

“ . . . the presence of troops or of British police in larger numbers on August 23rd, 1929, would not necessarily have prevented an outbreak. The experience of April 1920 and May 1921, when racial disturbances occurred despite the strength of the garrison, points the other way.”

A very serious outbreak had occurred when the country was full of troops, and it might be said that the disturbances had no relation to the number of troops in the country.

Assuming, however, that there had been an inadequacy of armed forces, he would like to say something in justification of the numbers of the armed forces at the time of the outbreak.

The reduction in the garrison took place in 1926 on the advice of Lord Plumer, who was then High Commissioner and who, as the Commission was aware, was one of the greatest British soldiers and military authorities. His (Lord Plumer's) advice was that the garrison maintained then was not necessary. It must also be remembered that the cost of these armed forces was very heavy, and it was important, from the point of view of finance, that unproductive expenditure of this kind should be cut down as much as possible and as much as the limits of safety would allow, so that as much money as possible might be available for productive expenditure and social services such as education and public health. That was another consideration making for a desire to reduce the armed forces to a reasonable limit.

Further, as has already been pointed out, there were the reports of the accredited representatives who for some years had referred to the improvement in racial relations in Palestine. Dr. Shiels would refer more especially to a remark made by Sir Herbert Samuel, High Commissioner from 1920 to 1925, in his final report. He had referred to the rapid pacification of the country during the last three years, and had added :

“ The spirit of lawlessness has ceased, the atmosphere is no longer electric ; for some time past Palestine has been the most peaceful country of any in the middle East.”

Unfortunately, that expressed an optimism, which, however justifiable at the time, did not hold true for the future.

Sir John Chancellor had also made the following statement to the Permanent Mandates Commission in July 1929. He said :

“ I think I can say that relations between the two communities continue to improve ; there has been little open friction between them. The one exception to this general statement is the Wailing Wall case. Apart from the controversy as to the Wailing Wall my general statement as to the improvement of the relations between the two races holds good.”

There was also a number of other statements in a similar strain by other prominent persons.

Dr. Shiels also referred to the following statement, contained on page 28 of the memorandum of the Jewish Agency for Palestine :

“ To sum up, there is a series of authoritative statements from unimpeachable sources to the effect that, up to the middle of 1928, Arab-Jewish relations had for some years been steadily improving.”

Therefore — and this was the only point Dr. Shiels wished to make — even if it were accepted that the forces proved to be inadequate when the occasion arose, it would, at any rate, also be evident that His Majesty's Government had solid ground for believing that the forces in the country were sufficient for all likely purposes.

The CHAIRMAN said that, during the past six years, the Commission had been continually faced by the inexplicable fact that the Administration of the mandatory Power had continued to display optimism whereas the Commission had been unceasing in its warnings. In this it would appear that the Commission had seen further and more clearly than the mandatory Power. He would refer more particularly to the Commission's observations at its ninth session in 1926 when, in respect of the military organisation of Palestine, it had said :

“ The Commission notes with satisfaction that political unrest in the country is decreasing and that order has been preserved in all parts of Palestine. The Commission does not doubt that the mandatory Power will always have at its disposal local forces capable, by their composition and number, of preventing any troubles which might constitute a menace for any part of the population.”

The Commission had uttered its first warning in 1924. In 1925, it had urged the Administration of Palestine to go carefully and, in 1926, it had pointed out that, if the reduction of armed forces was desirable, prudence was yet very necessary. He did not wish to emphasise unduly the observations of the Mandates Commission in this respect. The facts, however, spoke for themselves.

M. ORTS apologised for referring to the point already touched on by the Chairman, but in view of its particular importance it was necessary to make it clear.



According to the annual reports, the policy in this matter had been constantly to reduce the British garrison in Palestine and to leave the duty of maintaining order to the Palestine police. At the same time the British element in the latter body had been gradually reduced.

The last British regiment had been withdrawn in 1925, and in August 1929 the only British forces in Palestine consisted of an air squadron and a company of armoured cars with a total effective of 363 men, including those not present on duty. At the same time, the Palestine police, in a total effective of 1,300 odd men, contained only 142 British police officers.

When the disturbances broke out, it soon appeared that the indigenous element of the Palestine police force could not be relied on, and from that moment the authority had at its disposal less than 500 men, soldiers and British police officers, for the maintenance of order in a population, in a state of tumult, of 900,000 individuals.

The Permanent Mandates Commission had been anxious about this tendency to rely, for the maintenance of order in a country where religious and racial passions ran very high, almost entirely upon a body of police recruited from the inhabitants themselves. In 1926, the examination of the annual report on Palestine for 1925 had given rise in the Commission to an exchange of views to which the following passage from the Minutes of the ninth session (page 184) related :

“ In reply to a question from M. Rappard, M. FREIRE D'ANDRADE explained that it was of importance for the Arabs not to form too great a proportion of the gendarmerie corps of Palestine if this corps were to be used to secure the safety of the Jews. There was a risk, indeed, that in cases of riots the Arab gendarmes might join with their compatriots in attacking the Jews. He would point out that the presence of 100 Jews in a section of 475 gendarmes was not sufficient to guard against all possibility of surprise.

“ M. ORTS concluded from this that it was principally on British troops that the authorities should rely for the maintenance of order. In this connection, he expressed the opinion that the attention of the mandatory Power should be drawn to the danger which might result from a too great reduction in the number of British troops in the territory.

“ M. RAPPARD thought that the mandatory Power would incur grave responsibility if it found itself one day faced with the impossibility of preventing a pogrom owing to insufficient troops. Its responsibility, indeed, would be shared by the Mandates Commission if that Commission had not pointed out this danger.

“ *It was decided that the attention of the mandatory Power should be drawn in the report to the danger of not maintaining adequate local forces, both as regards their character and their number, in order to prevent trouble which might become a menace to any element whatever of the population.*”

Obviously, the mandatory Power had always shown optimism in regard to the public spirit in the country. The Mandates Commission did not share that optimism, and events had shown that it was not justified.

The accredited representative had called attention to the fact that in 1920 and 1921, the presence of considerable forces had not prevented disturbances, and he had concluded that the maintenance of a strong armed force was no guarantee. That opinion appeared to be open to discussion.

M. Orts considered that the reduction of the troops in Palestine had been a grave error in common sense. Had an adequate police force which could be counted on been available on the spot, the disturbances would perhaps not have occurred, or, in any case, they would have been much less grave. It was impossible not to be struck by the indecision and hesitation of the Administration at a time — August 15th and the days following — when a firm attitude would have enabled it to stop the troubles at the beginning. The Administration had negotiated when it should have commanded, and it might be asked, as M. Merlin had done, whether that attitude had not been dictated by the fact that the Administration knew that it had not at its disposal adequate forces for enforcing its orders.

Dr. Drummond SHIELS said he had listened with great attention to the observations of the Chairman and M. Orts. He agreed that there was some force in their arguments. He would, however, remind the Commission that in the disturbances of 1920, 95 persons had been killed and 219 injured, despite the fact that Palestine, at that time, had a garrison consisting of three battalions of infantry and three regiments of cavalry together with artillery representing a total ration strength of over 13,000 and a total combatant strength of 4,000 rifles.

There were indeed those who took the view that the presence of military forces provoked rather than prevented disorders.

He could not, in any case, believe that the Permanent Mandates Commission desired to recommend the mandatory Power to keep its place in Palestine by force of arms. Such a procedure would scarcely be a tribute to the success of its regime. It had been the constant anxiety of the mandatory Power to secure the co-operation of all the inhabitants of the country in securing peace, for the best kind of public order was that maintained by, and with, the consent of all. It was in that sense that the Administration had conceived its mission. It was quite possible that the process might have been carried out too rapidly, but Dr. Drummond Shiels earnestly hoped that the Commission would agree with him in thinking that not only had the object of the Administration been good, but also — as he had already tried to show — that it had possessed solid grounds for believing that a reduction of the garrison could be



effected without danger. The Commission should not forget that Lord Plumer, who besides having been High Commissioner for Palestine, was one of the most eminent living British soldiers, had recommended a reduction.

M. Orts, continuing his statement, referred to a passage on page 149 of the Shaw report. When asked to account for the fact that the troops had not arrived at Safed until two hours after the Arab attack on the Jewish quarter had taken place, Brigadier-General Dobbie, in command of the military forces sent to Palestine to put down the movement had replied as follows :

" It was because at the time all my troops were very much stretched out, as far as I thought it possible to stretch them. . . . In my judgment it was not possible to extend my line northwards (i.e., towards Safed) unless I got further reinforcements and to that end, on the 28th, that is, the day before the trouble at Safed occurred, I advised the High Commissioner that, in order to enable me to do so, it would be prudent to ask that a further landing party be placed ashore. . . . In order to anticipate matters as much as possible, I did not await for the complete arrival of the landing party but I sent off a detachment somewhere about mid-day or one o'clock on the 29th to Safed. I could not do it before because my preoccupations in other parts of the country were making it impossible from a military point of view."

Obviously, had adequate forces been available in the country or had they been called in earlier, the Safed massacre would have been prevented and much other bloodshed would have been avoided.

The accredited representative had asserted that the policy of the Administration must of necessity be conciliatory and not based on force. M. Orts agreed in principle with this view. It should not be thought that he was ever a partisan of the use of force, but it was, unfortunately, sometimes necessary, for the maintenance of order by an authority, that it should have force at its disposal. In the statement he had read at the third meeting the accredited representative had called attention to the words of Mr. Henderson, Secretary of State for Foreign Affairs in Great Britain, namely, that the primary duty of the mandatory Government was to preserve order. To do so was indeed the primary duty of the Government, but adequate forces were necessary, and if the Government deliberately deprived itself of these forces it assumed responsibility.

Dr. Drummond SHIELDS said he could make no special comment on this particular incident. Such incidents, however, were not uncommon in similar circumstances, whatever the size of the forces engaged. It was impossible to maintain with absolute certainty that even with 5,000 British troops, such an incident would never have occurred. He agreed that it was most regrettable. The Commission should also not forget that for eight years no outbreak had occurred, which seemed to show that the arrangements adopted were, to that extent, justified. He was convinced that, however large were the forces maintained in Palestine, unless other influences could be brought to bear upon the inhabitants, the danger of such outbreaks would always exist. The Government would, however, take these criticisms of members of the Mandates Commission into very serious consideration, and would certainly not forget what had been said.

M. ORTS remarked that the views of the Permanent Mandates Commission were in conformity with those of the Shaw Commission, which had recommended that the police should be recruited from countries other than Palestine and that the British forces should be increased.

Dr. Drummond SHIELDS said that he would explain the measures taken in regard to the police at a later stage. M. Orts, however, was not correct in saying that the Shaw Commission had recommended that Palestinians should not be employed in the police force. On the contrary, the opposite was the case, as was quite clear from page 147 of the report, in which the following passage occurred :

" We also questioned appropriate witnesses as to the desirability of recruiting the rank and file of the non-British troops — or a part of them — from races outside Palestine, members of which would have no direct concern in the racial problem which exists there. In all cases we were advised that it would be undesirable to adopt this expedient, and we were satisfied with the reasons on which that advice was based."

M. ORTS thanked the accredited representative for this correction, but it still remained that the Shaw Commission had expressed regret that the garrison should have been reduced below the " margin of safety " (page 145), that it had recommended that the present garrison should not be reduced until further orders, and had approved the decision taken since the events to increase the number of British police officers.

Here another question arose : at what moment had the local authorities asked for outside help ?

Mr. LUKE replied that he had appealed on the afternoon of the outbreak, which had taken place between mid day and one o'clock on August 23rd. As soon as he had got into touch with the Air Officer Commanding and had ascertained that he concurred with his (Mr. Luke's) intentions, he had despatched two telegrams, one to the Colonial Office asking for troops, and a



second to the Admiral-in-Command at Malta, requesting the immediate despatch of men-of-war to Jaffa and Haifa. He had also desired from the outset to send a direct request to Egypt for reinforcements, although such an application was contrary to orders. As, however, by five o'clock on the following morning (24th) the situation was still unsatisfactory, he had broken those orders and had then telephoned to the Acting High Commissioner at Cairo asking for assistance, which had immediately been forthcoming.

M. RAPPARD did not wish to emphasise the obvious fact that troops were necessary for the maintenance of order. The mandatory Power itself had realised this to be the case, for, the moment the troubles had broken out and their severity had become apparent, it had at once had recourse to troops. With the advent of these troops, order had been promptly re-established. He did not want it to be thought, however, that the Permanent Mandates Commission was recommending a policy of force or violence. It had always spoken highly of the methods of administration in Palestine, which were those of conciliation and co-operation, but it had equally emphasised the fact that force was sometimes unfortunately necessary, for neither a policy of conciliation nor a policy of force could stand alone. There must be an admixture of both.

What he had least appreciated in the Shaw report and in the observations of the accredited representative was the argument that, since outbreaks had occurred in 1920 when a large number of British forces had been present in the territory, the outbreak in 1929 would not have been prevented had those troops still been available. The troubles of 1920 and those of 1929 could not be properly compared, for the circumstances were different. Nor could he believe that the fact that no disturbances had occurred in eight years should be regarded as an adequate reason for reducing or abolishing the police forces. The police in any country were necessary for use in an emergency. It was as though the municipal authorities of Geneva were to disband the fire brigade on the grounds that no fire had occurred in the city for eight years.

What he wished to emphasise, however, was that it should not be thought that the Permanent Mandates Commission was recommending or ever had recommended a policy of force as opposed to one of conciliation.

Dr. Drummond SHIELDS said that he had no serious disagreement with the views of M. Rappard. The Shaw Commission had said that an adequate minimum force in Palestine was necessary. The British Government recognised this and, at a later stage, he would give details regarding the steps it would take in the matter.

M. ORTS noted that the first appeal for help had been sent out on August 23rd to the Colonial Office, and that the Acting High Commissioner had applied to the Egyptian troops on August 24th. The accredited representatives knew that one of the accusations against the Administration was that it had appealed for help too late. He would like to know how the fact that troops had not been asked for until August 23rd was to be explained. Since the 16th the situation has become more and more strained.

Mr. LUKE felt sure the Commission would understand that for a Government to ask for troops to be sent into the country from outside before an emergency had arisen was a serious matter. Such a demand would have to be justified by a practical certainty that serious trouble was about to occur with which the forces present in the country would be unable to cope. That certainty, however, had not existed before August 23rd. On the contrary, the general prognosis was rather in the opposite direction. The demonstration and the counter-demonstration at the Wailing Wall had passed off without anything very drastic happening in the way of disturbances. It was true that there had been the unfortunate incident, not connected with previous incidents, of the stabbing of a Jewish youth in a brawl. He had subsequently died, and his funeral, which had taken place on the 21st, had given rise to some difficulties between some of the Jews accompanying the funeral and the police, but no trouble had occurred on that occasion between Jews and Arabs.

After some days of negotiation, Mr. Luke had been able to bring about a meeting of a kind not previously brought about under British administration, a meeting in his drawing-room between three representative Arabs and three representative Jews to discuss measures to achieve a *rapprochement* between the two races, the Arabs being nominated by the Moslem Supreme Council and the Jews being prominent men who knew the country well and who got on well with the Arabs, two of them also being also Arabic-speaking. He had hoped that the meeting would result in these gentlemen agreeing to issue a statement appealing for better feeling between the races. The mere fact that it had been possible to hold such a meeting had justified the Government in thinking that matters were getting better instead of worse.

The meeting, it should be noted, had been held on August 22nd, that was to say, the day before the disturbances broke out. Although the meeting had not led to the object hoped for by Mr. Luke, it had, at all events, been conducted in a friendly spirit and had broken up on the understanding that it would be resumed a few days later. The Palestine Government, therefore, were justified in thinking that the crisis was passing rather than that it was becoming more acute.

On August 17th, after the stabbing affray, as a result of which the young Jew already referred to had died, Mr. Luke had taken the precaution of getting armoured cars sent from Amman in Trans-Jordan to Ramleh in Palestine, so that they would be near at hand in case of need. There could be no question of bringing over all the armoured cars in Trans-Jordan, because the period in question lay within the "raiding season", when armoured cars were required in Trans-Jordan to deal with Bedouin raids.



M. ORTS observed that in the last analysis the conclusion to be drawn appeared to be that the events of August 1929 had taken the disarmed authorities by surprise. On the one hand, in the country itself there was no adequate police force which could be counted as; on the other, the intervention of troops from outside the country would necessarily be late. M. Orts perfectly realised the Acting High Commissioner's difficulty in asking for forces from outside before the disturbances began. If a Governor asked for troops from outside and the object for which he did so was thereby achieved, that was to say, disturbances were prevented by their presence, he was liable to be censured for having incurred expenditure and taken action without justification.

M. VAN REES asked whether he was right in understanding Mr. Luke to have said that the position was improving after the stabbing affray in which the young Jew was murdered on August 17th.

Mr. LUKE replied that he had said that after the Jewish demonstration and the Moslem counter-demonstration at the Wailing Wall and, notwithstanding the murder of the young Jew, the situation appeared to be improving so far as the Administration was able to gauge it.

M. VAN REES pointed out that a statement on page 56 of the Shaw Commission's report said exactly the reverse. The point was, however, one on which he would not insist.

He wished to ask whether the Government had not received, prior to August 23rd, any notice that something serious was brewing. Had the Government no knowledge of the fact on August 22nd, there were circulating in the country letters in which the Arabs were urged to go to Jerusalem with a view to an attack on the Jews which would begin on the 23rd? Had they not been informed that Arab women and children had begun to evacuate the Jewish settlements in the period before August 23rd, a sure sign that something serious was on foot?

Mr. LUKE answered that after the disturbances had broken out rumours had been circulated and statements had appeared in certain sections of the Press to the effect that he had received warnings that troubles were about to take place. He must say most emphatically that he had received no such warnings. The only occasion on which he received anything which might possibly be termed, if indeed it could be termed, a warning, was a visit on August 22nd, from two Jewish gentlemen who had expressed general apprehension of troubles on the following day, but they had given no details on which they based their apprehensions. Such general apprehensions were quite natural in view of the difficult days preceding August 23rd and in view of the fact that the 23rd was a Friday, that was to say, the Moslem day of prayer which always brought large numbers of Arabs from the neighbouring villages into Jerusalem to visit the mosques. There was, of course, as he had already said, a certain amount of tension, and it was in view of that that he had arranged the interview already described.

M. RAPPARD said that he had been very much struck by Mr. Luke's reply as to the reasons for which he had felt unable to call in troops from outside earlier. Had the fact that Mr. Luke was not High Commissioner but Acting High Commissioner had any influence on his decision? Formally, of course, the Acting High Commissioner had exactly the same powers as his superior officer during the latter's absence, but M. Rappard thought that there might be certain very natural psychological reasons for which an Acting High Commissioner might feel especial hesitation in asking for help from outside. If that were the case, what steps had been taken to call the attention of the High Commissioner, who was on leave, to the situation which was rapidly becoming more critical?

Mr. LUKE replied that he was not conscious that he had refrained from taking action for the reason that he was Acting High Commissioner instead of substantive High Commissioner. He pointed out that he had not been deterred by this circumstance from breaking rules by making direct application to Egypt for troops.

In reply to M. Rappard's second question, his official communications during the period in question had been, in accordance with practice, with the Colonial Office direct.

The CHAIRMAN pointed out to M. Rappard that this was the normal procedure in all colonial administrations.

M. RAPPARD supposed that if the Colonial Office fully realised that the situation was becoming critical, a hint would have sufficed to indicate that the moment was not a suitable one for the High Commissioner to take his leave.

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## FIFTH MEETING.

*Held on Thursday, June 5th, 1930, at 10.30 a.m.*

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### Immediate Causes of the Disturbances in August 1929 (continuation).

The accredited representatives of the mandatory Power came to the table of the Commission.

#### ALLEGED UNCERTAIN POLICY ON THE PART OF THE MANDATORY GOVERNMENT.

The CHAIRMAN asked the accredited representative whether he agreed with the Shaw Commission that one of the immediate causes of the disturbances in August 1929 was the impression of irresolution given by the decisions of the Palestine Government. The reference to this cause would be found on page 164 of the report.

Dr. Drummond SHIELDS said he did not attach any great importance to this belief as one of the immediate causes of the outbreak. Any Government in the position of the Palestine Government and with the peculiar problems with which it had been confronted was bound to be accused of being influenced by political pressure.

#### CONTROL OF ARMS IN PALESTINE AND TRANS-JORDAN.

M. PALACIOS said that it had been asserted that there were vital omissions from and errors of meaning in the Shaw report. According to some statements, no effort had been made to enquire into the existence of arms in Palestine and, if there were any, to discover their source. Reference had been made to the rôle played by Trans-Jordan in regard to that aspect of the question. It had been said that the problem of the Bedouins, so important in regard to the insecurity in Palestine, had not been considered. Lastly, great value was attached, in the inevitable discussions on the events of August 1929, to the fact that the Jews and their colonies had been disarmed and to the reasons invoked in justification of that action. M. Palacios believed that this was an opportunity for the accredited representative to give explanations on these matters.

Dr. Drummond SHIELDS replied that the Palestine Government had given a great deal of attention to the matter of the smuggling of arms over the border, but, as the Commission was aware, the border was an artificial one, and it was not always easy to prevent smuggling. There had also been cases of detection of arms coming in by sea. The Palestine Government had given considerable attention to the matter, and had made successful efforts to diminish smuggling.

Mr. LUKE added that the Palestine Government had closely watched the question of the smuggling of arms. The position of Trans-Jordan in this matter varied very much from the position in Palestine. Trans-Jordan was a larger country with long frontiers, and faded away insensibly into desert; and the people of Trans-Jordan had deliberately not been disarmed. It was felt that public security in Trans-Jordan was improved rather than impaired by the population retaining their arms. The fact of their being armed gave them protection against the attacks of predatory nomads and against highway robbery. To disarm the nomad Bedouins of Trans-Jordan would render them an easy prey to attacks by raiders from Nejd and the Hejaz and the Syrian desert frontiers.

M. PALACIOS, referring to the disarmament of the Jews, said that, in the pamphlet published by the Zionist Revisionist Committee and in other pamphlets, it was stated that the mandatory Power had disarmed the Jews on the instigation of the Arabs in virtue of a promise made to Trans-Jordan.

Dr. Drummond SHIELDS said he would be very glad to deal with that question under the next section dealing with the actual disturbances.

M. RAPPAUD observed that the accredited representative had explained that, in his view, the arming of the inhabitants of Trans-Jordan was a precautionary measure against highway robbery and bandits. Trans-Jordan, however, was not far distant from Jerusalem, and one of the reasons given in the report for not withdrawing too many troops from Trans-Jordan to protect the Jewish population of Palestine proper was the danger of Trans-Jordan becoming implicated in the agitation. Did the accredited representative desire to modify his conclusions in any way? Trans-Jordan bordered on Palestine proper and, in the case of trouble in Palestine, incursions by these armed Trans-Jordan inhabitants might complicate the situation.

Mr. LUKE replied that, in explaining why the Trans-Jordan population had not hitherto been disarmed, he was not necessarily speaking of future policy. He was giving the reasons which had led to the adoption of that particular policy hitherto. He was not, of course, in a position to say what the future policy might or might not be in that connection.

As regarded Trans-Jordan, it must be remembered that the mandatory Power had a valuable and effective ally in the maintenance of order in the person of H.H. the Amir Abdulla, whose influence with his subjects, and, in this sense, particularly with his nomadic subjects, was very great and, during the disturbances, had been exercised most effectively in keeping them quiet.

M. ORTS asked whether the nomads of Palestine had retained their arms, like the nomads of Trans-Jordan.

Mr. LUKE asked for notice of the question as to the conditions under which the Bedouins of Palestine proper were allowed to carry arms. He could not answer it immediately.

M. ORTS said he was enquiring into the facts of the position. Were the nomads — either those who remained in Palestine or those who stayed only a short time — allowed to be armed or not ?

Mr. LUKE said that, to the best of his belief, the nomads of Palestine were not allowed, as in Trans-Jordan, to carry arms without a licence. On the second point, his impression was that, if large parties of Trans-Jordan Bedouins were to cross the frontier — which did not normally happen — they would not be allowed to bring their arms with them. He would, however, like to verify the point.

M. VAN REES asked whether all the nomads in Palestine possessed licences.

Mr. LUKE replied that he did not think so.

M. ORTS asked whether, in practice, the nomads in Palestine, like other nomads, generally carried arms.

Mr. LUKE replied that he did not think this was the case generally in Palestine.

Dr. Drummond SHIELDS explained that the Trans-Jordan Frontier Force had, as one of its principal duties, the control of frontier traffic. It was its duty to see that the regulations laid down regarding arms were observed.

M. ORTS asked whether it might be assumed that in Palestine there was a sedentary population disarmed and a nomadic population armed.

Mr. LUKE explained that, generally speaking, the population in Palestine was not armed, except where the individual possessed a licence. In Trans-Jordan the population, both sedentary and nomadic, carried arms or was entitled to do so.

#### ORIGIN AND FUNCTIONS OF THE ARAB EXECUTIVE.

M. VAN REES said that reference was frequently made to the responsibilities of the Arab Executive. He would ask how that body came into being, and by whom it had been set up. Was it officially recognised ?

Mr. LUKE replied that the Arab Executive was nothing more than a political party. It was not an official institution, nor was it in any way part of the constitutional machinery of the country. In his evidence before the Commission of Enquiry, when he had been asked a similar question, he had endeavoured to find a parallel in order to give the Commission an idea of the relationship in which the Arab Executive stood to the Government, and he had compared it to the Primrose League in England. That was to say, it was an autonomous political party. He would not profess to say precisely how its members were elected. It was an unofficial institution.

M. VAN REES pointed out that the Arab Executive Committee claimed to represent all the Arabs in Palestine, whether Moslem or Christian. Was that claim justified ?

Mr. LUKE replied that, generally speaking, he would be inclined to say that the members were drawn pretty generally from the Moslem and Christian Arabs of the country. That did not mean, however, that every single Moslem and Christian Arab in the country was necessarily represented on the Executive.

Dr. Drummond SHIELDS observed that the Arab delegation which had visited London a few weeks earlier had included one Christian Arab among its members, and the delegation had claimed to represent equally the Moslem and Christian Arabs.

M. VAN REES asked whether the Government had any official relations with the Arab Executive ; did it receive the Executive as representing the population ?

Mr. LUKE replied that the Government received the Executive as the spokesmen of an important political party. In that capacity the Government received it and corresponded with it.



Mlle. DANNEVIG asked whether the Arabs as a whole were interested in politics. Could the Executive be said to represent the mass, or in reality did it only represent the cultured classes ?

Mr. LUKE replied that the Arabs were an extremely politically-minded people, even when they were illiterate. The Arabs, not only of the effendi class but also the fellaheen class, took the keenest interest in politics, and especially in local politics. As an example, he would refer to the report of the Haycraft Commission on the Jaffa riots of 1921 — of which he had been a member — which, on hearing evidence from the fellaheen, had been surprised to note how carefully they followed the development of Palestinian politics.

### Conclusions of the Commission of Enquiry as to the Character of the Disturbances.

#### GENERAL STATEMENT BY M. VAN REES.

The CHAIRMAN said that he understood that M. Van Rees desired to make a statement in regard to the general conclusions of the Shaw Commission. These conclusions would be found on page 158 of the report.

M. VAN REES stated that he was in favour of a synthetic examination of the various aspects presented by the Palestine problem, aspects which the Commission of Enquiry had very justly considered separately and in regard to which its conclusions would be found on page 158 and the following pages of its report.

Before reaching the immediate causes of the disorders of August 1929, which until now had been the principal object of the discussions of the Permanent Mandates Commission, the Shaw Commission had analysed, in the light of the detailed results of its enquiry, the nature of those disorders, the share of responsibility of the Arab leaders, and several other points of capital importance the consideration of which had led it to its statement given on page 162 concerning the fundamental causes of the troubles, and, finally, to that appearing on the following page, which fixed the direct causes which, in its view, had led to the breaking out of these disturbances.

It was that guiding idea which he had supported in order that the Mandates Commission might express its views as a whole on the various elements composing the problem in question. Since, for his part, he had an opportunity of making a statement on those elements, while reserving others for reasons which would later be explained, he submitted to his colleagues the following observations.

The first section of the conclusions of the Commission of Enquiry drew attention, in the first place, to the fact that the disturbances were characterised from the beginning by Arab attacks against the Jews (paragraphs 1 and 3), and it was added in paragraph 4 that they were not intended as a revolt against the British authorities in Palestine.

The first point hardly called for comment. The evidence itself showed the correctness of the Commission's interpretation.

M. Van Rees would ask, however, why the Commission had not drawn any conclusions from the fact, which was nevertheless significant, that disturbances of the same kind had occurred on two previous occasions — in April 1920 and May 1921 — at times when Jewish immigration was much less intensive than it was in August 1929 and when the area of the lands purchased by the Jews was much smaller, though these were the two factors which, according to the Commission, played a considerable part in the matter. The Shaw Commission had made only a summary reference to these disturbances. In April 1920 there had been a serious outbreak in Jerusalem, in the course of which nine persons had been killed and 222 wounded (page 12 of the report). In May 1921, in the disturbances which had taken place in Jaffa, ninety-five persons had been killed and 219 persons had been wounded, forty-seven of the persons killed and 146 of the wounded being Jews (page 13). In August 1929, there had been 220 persons killed and 528 wounded, 133 of the persons killed and 339 of the wounded being Jews (page 65).

There had been a military enquiry into the disturbances of April 1920, but the results of that enquiry had not been published. M. Van Rees could not help wondering whether the Shaw Commission had been acquainted with the findings of that enquiry. There had been a Civil Committee of Enquiry into the disturbances of May 1921, and Mr. Luke had himself been a member of that Committee. The results of the second enquiry had been published in the White Paper of October 1921 (Cmd. 1540). The two enquiries had apparently provided the Shaw Commission with no indications likely to help it to make up its mind in regard to the causes of the recent disturbances.

Paragraph 4 of the conclusions of the Commission required closer consideration. It was stated in this paragraph that the outbreak neither was nor was intended to be a revolt against the British authorities in Palestine. Was that conclusion really justified ? It appeared to be justified if account were merely taken of external appearances and if the word "revolt" were strictly interpreted. He did not think the conclusion was justified if a really frank endeavour were made to get to the bottom of the question.

No one would deny that the initial cause of the hostility of the influential Arabs lay in the deep disappointment which they felt upon realising that their national and political aspirations would not be fulfilled. This fact was recognised in the report on several occasions, and the Arabs themselves had made no secret of it. The British Government was held responsible for this disappointment. It was said that the British Government had broken its solemn promises to the Arabs, and that the Zionists, using their influence with the British



Government, had succeeded in obtaining the Balfour Declaration, which was an insuperable obstacle to the realisation of the national ambitions awakened by and during the war.

In view of this state of mind, it was clear that it would not be right to consider the Jews as the sole enemies of the national interests according to Arab views. In his view, if there had been no Balfour Declaration and no immigration of the Jews as a result of it, but if, nevertheless, the British Government, for reasons of high policy, had not been able entirely to fulfil the hopes of the Arabs, the present feelings of hostility and ill-will would have sooner or later expressed themselves in violent incidents, which would in that case have at once assumed the character of a revolt. The extension of the revolt of the Druses to a part of Syria in 1925, where the same disappointment was felt, was a proof of this.

On the contrary, if independence had been accorded by the British Government to Palestine under an Arab king on condition that the Balfour Declaration were accepted in its true sense, it did not seem to him at all certain that the same disorders would have occurred. He would cite as a proof the attitude of the Emir Feisul, the President of the Arab delegation at the Peace Conference in Paris, who had accepted the Balfour Declaration in writing on March 1st, 1919,<sup>1</sup> at a time when the Arabs, rightly or wrongly, might still expect to be accorded independence, if not immediately, at least in the near future.

The question of independence was the predominant factor in the Palestine problem, and lay at the basis of the whole question.

It was essentially a political problem. It had, however, by a shifting in the point of view which was easily understood, been relegated, in fact, to the background, the Jews being presented in the foreground as being solely responsible for all the misfortunes under which the Arabs were suffering.

It was to be regretted that the Commission of Enquiry had refrained from appreciating this aspect of the problem, although it had on several occasions touched upon it. The Commission had apparently been satisfied with keeping upon the surface of events, without troubling itself too much with factors which were less obvious. It had accordingly reached the conclusion that the disturbances were not in any way aimed against British authority.

It must not be forgotten that Palestine was not like other countries.

In Palestine, Great Britain had undertaken, in the face of the world, not only to permit the establishment of a Jewish National Home, but to encourage to a certain extent the creation and development of that Home. The creation and development of the Home, therefore, became an integral part of the internal policy which Great Britain undertook to carry out in terms which were open to no doubt. When, in such circumstances as these, a portion of the population, which from the outset had declared itself openly hostile to this policy, endeavoured to render it impossible and to destroy the work already accomplished, by the wholesale massacre of the Jews, it seemed clear that this violent attempt must have a political and revolutionary character, and must be aimed as definitely at the Government as at the Jews, although the latter were for the moment the only victims. The statement that the disturbances were in no way aimed at the Government pointed to a singularly narrow view of the position, since it left out of account one of the deeper causes of the discontent prevailing, if not among all the Arab population, at least among certain socially influential classes.

Examining a little more closely the fundamental causes of the disturbances, M. Van Rees continued :

The causes were given in paragraph 44 of the report of the Shaw Commission, and the following paragraph enumerated the immediate causes of the disturbances.

The Shaw Commission considered that the fundamental cause, without which, in its opinion, disturbances either would not have occurred, or would have been little more than a riot, was the feeling of animosity entertained by the Arabs for the Jews as a result of the disappointment of their political and national aspirations and fear for their economic future. The Commission had added that these feelings were based on the twofold fear of the Arabs that, by Jewish immigration and land purchase, they might be deprived of their livelihood and, in time, pass under the political domination of the Jews.

According to these conclusions, the Jews would be held responsible for the deep animosity aroused among the Arab population in Palestine.

This view did not seem to him to be either correct or just. It was not correct because no account was taken of facts which, however, should not be neglected, and it was not just because it had reference to only one of the parties in the case.

Long before the Balfour Declaration was issued on November 2nd, 1917, Article 3 of the Sykes-Picot Agreement, concluded in May 1916, had stipulated that the administration of Palestine, with the exception of the ports of Haifa and Acre, which were to be handed to Great Britain, should be internationalised. The Sykes-Picot Agreement had been made public only after the war. Meanwhile, certain promises had been made to the Sherif Hussein in Mecca on behalf of the British Government, and the Arabs in Palestine had inferred, rightly or wrongly, from these promises that they might hope to form part of an independent nation under an Arab king as a reward for the assistance which they had rendered the Allies.

In January 1919, the fate of the Arab provinces taken from the Turkish Empire was decided. These provinces were recognised in accordance with the fourth paragraph of Article 22 of the Covenant as provisionally independent on the understanding that the advice and assistance of a Mandatory would be at the disposal of the administration until the provinces were able to stand alone.

<sup>1</sup> See page 99 of the review *Palestine*, September-December 1929.



That was the first surprise and the first disappointment suffered by the Arabs, who had imagined that their political future had been finally settled by the negotiations which had taken place between the High Commissioner in Egypt, Sir Henry MacMahon, and the Sherif Hussein.

Shortly afterwards, the Allies concluded the first Treaty of Peace with Turkey. Article 95 of that Treaty drew an essential distinction between the status of Mesopotamia and Syria and the status of Palestine. The first two countries were provisionally recognised as independent States, whereas, in regard to Palestine, no mention was made of independence nor was there any reference to the assistance and advice of a Mandatory. The article referred only to the administration of the country by a Mandatory chosen by the Principal Allied and Associated Powers, without making any reservation in regard to the character of the administration.

That had been the second surprise and disappointment suffered by the Arabs, who thus saw their national and political hopes vanishing. This disappointment had been all the more keen as Article 1 of the Mandate for Palestine provided for the institution in this territory, in contrast with the other Asiatic territories under mandate, of a direct system of administration, the British Government being furnished with full legislative and administrative powers.

The Arabs, from the outset, had not ceased to protest against this treatment. They had felt that their confidence in Great Britain had been misplaced and they had reproached Great Britain with a dual violation—with violating promises formally given during the war and with a subsequent violation of the terms and spirit of Article 22 of the Covenant.

In view of these convictions, the justification for which would be examined later, it could hardly be said that the Arabs felt resentment only towards the Jews. Doubtless, they felt resentment towards the Jews, but not exclusively. They also felt resentment towards the mandatory Power, owing to an alleged lack of sincerity. Their resentment towards the Jews was due to the fact that they regarded them as the real authors of their disappointment and therefore responsible for an indefinite adjournment of the realisation of the political hopes of the Arab population. There must be no mistake on this point. The resentment, or even the hatred, of certain portions of the Arab population was not, in the first instance, provoked by the immigration and subsequent activities of the Jews. The hostility of the Arabs had deeper roots, and it was not directed solely against the Jews.

It was true that, as the result of a campaign of systematic and repeated provocation, which the majority and minority reports of the Commission of Enquiry in no way disguised, this increasing hostility had resulted in acts of violence of which only the Jews had been the victims. This circumstance, however, was only due to the fact that everywhere in the world, and particularly in an Eastern country, the illiterate classes were much more easily moved by religious, racial or economic considerations than by political claims, which were generally not very highly appreciated by a population which, as in Palestine, was fairly at ease under the existing system of government.

These were points of the utmost importance which had not seemed to be given adequate prominence in the report of the Commission of Enquiry.

It was the political and national discontent of the Arab leaders which formed the basis of the disorders, and which, as he had already pointed out, would undoubtedly have expressed itself in an open revolt sooner or later, as had been the case in Syria.

The Commission of Enquiry had not neglected this discontent. On the contrary, it had drawn attention to it and had referred to it in its conclusions regarding the fundamental causes of the outbreak. It had not, however, sufficiently emphasised the point or gone to the bottom of the matter.

On this original cause had been grafted the fears, not of the mass of the population, but of the same governing classes, for their personal social and material interests, which they felt, not without reason, to be threatened by the gradual rise in the standard of living in the country as an inevitable consequence of the activities of the Jews.

The disturbances of August 1929, as well as the previous disturbances of a similar character, were, in brief, only a special aspect of the resistance offered everywhere in the East, with its traditional and feudal civilisation, to the invasion of a European civilisation introduced by a Western administration, and in this case assisted by the activities of the Jews.

Such was the fundamental cause of the events which had taken place as shown by a conscientious examination of the factors of unrest among the Arabs since the beginning of the British administration in Palestine.

M. Van Rees would turn next to the complaints of the Arabs against the Government. These were dealt with in Chapter 9 of the report of the Shaw Commission (pages 124 to 131).

The reasons which, from their point of view, justified the resentment of the Arabs in regard to the Government could be briefly summarised as follows :

The Arabs maintained that their country belonged to themselves and that they had been masters in it for fourteen centuries. Great Britain, in authorising the establishment of a National Home, had disposed of a country which did not belong to it. This claim was particularly open to refutation. It was not in accordance with most elementary facts of ancient history in Palestine. It would be enough to point out that Palestine had belonged before the war to the Ottoman Empire. The country had been conquered, not by Arabs of Palestine, but by the Allies, and had finally been ceded to the Allies and not to the Arabs. Since 1517, Palestine had been under the rule of the Turks. There could be no reference, therefore, to an Arab nation in Palestine, nor could it be claimed that the territory formed part of the patrimony of that nation.

Secondly, the Arabs asserted that Great Britain had failed to carry out its promise, made during the war, that they should be granted independence. Was that really the case ? The Commission of Enquiry had dealt with that matter on pages 125 to 127 of its report, but it did not reply either in the affirmative or in the negative. It emphasised, however (page 125), that



the British Government had constantly denied the allegation of the Arabs. The correspondence between Sir Henry MacMahon and the Sherif Hussein, of Mecca, on which the Arab claim was founded, had never been published, which meant that doubts might still subsist. It was nevertheless to be observed that the Sykes-Picot Agreement of May 1916 provided that the administration of Palestine *properly speaking* was to be internationalised; it was reasonable, therefore, to conclude that this arrangement excluded any possibility that there might have been formal promises given assuring the independence of the Arabs inhabiting this territory.

Thirdly, the Arabs claimed that the Palestine mandate was incompatible with paragraph 4 of Article 22 of the Covenant, and that they were therefore justified in regarding the mandate as non-existent.

The Shaw Commission referred to this point on page 128 of its report, but abstained from expressing any opinion on it.

It was true that the Covenant referred to "the advice and assistance" of a Mandatory and that these terms were not to be found in the mandate, which, in Article 1, conferred on Great Britain full legislative and administrative powers. As, however, these full powers were limited to Article 1 by the terms of the mandate, and as Article 2 provided for the development of self-governing institutions, it followed that the provisions of Article 1 had only a transitory character. The duration of the transitory period must depend, in the first place and in principle, on the Arabs themselves. As soon as they were prepared to contribute to the establishment of a free Government in a form which respected the international obligations of Great Britain, paragraph 4 of Article 22 of the Covenant would have its full effect for Palestine as for the other mandated territories.

Fourthly, the Arabs complained of the fact that, although they had enjoyed under Turkish rule a certain autonomy, no form of self-government had as yet been instituted.

The Shaw Commission dealt with this grievance on pages 127, 128 and 131 of its report. It attached importance to the matter without, however, venturing to recommend any step which might satisfy the Arabs (see paragraphs 37 and 49, pages 162 and 166, of the conclusions of the Commission).

The Commission admitted, however (on page 128), that all the efforts of the Government with a view to satisfying the Arabs had been of no effect owing to the fact that the Arabs would only agree to autonomy in a form which would render the international obligations assumed by Great Britain null and void. It was precisely that state of mind which had been prevailing in Syria and which had caused the establishment of an autonomous Government to be postponed.

Finally, the Arabs complained that, under Article 4 of the Mandate, the Jews, although they constituted only a minority, were officially represented by an organisation referred to in that article, and that no representation of the same kind had been recognised in respect of the Arabs.

The Commission referred to this matter on page 131 of its report, and dealt with the complaint in a more extensive form in paragraph 40 of its conclusions (page 163). It had, however, omitted to state in paragraph 40 what it had remarked in passing on page 17 — that the institution of an Arab Agency similar to the Jewish Agency had been found impossible in 1923 owing to the fact that the Arabs had formally opposed the suggestion (see White Paper 1923, No. 1989).

M. Van Rees thought it useless to draw conclusions from this, since they were obvious.

M. Van Rees, continuing, wished to examine the complaints of the Jews. No chapter of the Commission of Enquiry's report was devoted to the legal side of the position of the Jews in Palestine.

Only a passing reference was made to that situation, and there was no effort to explain the grounds on which the Jews inhabited Palestine nor up to what point their demands must be regarded as legitimate.

Since any serious examination of the *rights* of the Jews to live and carry on their activity in Palestine was not to be found in the report, it was difficult not to draw the conclusion that this point of capital importance had not received in the report the attention which it deserved.

The Commission did not state that the Balfour Declaration was the basis of the presence of the Jews in Palestine and of their activities. The Commission of Enquiry did not explain its views on the close connection between that Declaration and certain provisions in the Palestine mandate. It had confined itself to quoting them, but had refrained from giving any interpretation. It had ended by recommending the British Government to explain more explicitly than had been the case in 1922 its policy with regard to the Jews. The most striking fact was that, although the report referred in many places to the official statements contained in the White Paper of June 1922, the Commission seemed to have attached no importance to the basis of those statements which it did not even quote. Yet that basis was that "the Jewish people will be in Palestine *as of right* and not on sufferance" (see White Paper, page 30).

Nevertheless, it was this statement of Mr. Churchill's which, by explaining the legal reasons for the establishment of the Jews in the country, furnished the key to that which was not clear in the report of the Commission.

The Balfour Declaration of November 2nd, 1917, as recorded in the Preamble and developed in Articles 2, 4, 6, 7 and 11 of the Palestine Mandate, had a very definite meaning.

It was not, as several persons had seen fit to interpret it, a mere gracious gesture, a mere public manifestation of indulgent pity towards the Jewish people. It would be altogether too naïve to believe that this had been the only feeling inspiring Great Britain in her Declaration of November 2nd, 1917. It would be also equally naïve to believe that that declaration had been



approved by all the Great Powers merely in order to please Great Britain or in order to show their sympathy for the Jews.

Interpreted in its own words and with the aid of the text of the mandate based upon it, the Balfour Declaration would be seen to be an act based on purely political considerations and designed to secure an eminently practical object.

That object had certainly not been the oppression of a people established in the country by another people, as the adversaries of the Declaration wished it to be believed, despite the reservations contained in the Declaration. On the contrary, its object was the resurrection of the people established in Palestine. Its object was to arouse them from their centuries-old lethargy and to secure the social and economic development of the country, not by the efforts of the Administration alone, but by the active co-operation of a more energetic and more highly developed people. In short, the real object of the Balfour Declaration had been the establishment, by the co-activity of the Government and of the Jewish people, of a social and economic order corresponding to the principles and requirements of European civilisation, while at the same time respecting the rights and interests of the existing inhabitants.

It had been that reason which, disregarding the other considerations relating to the primary interests of the Empire, had induced the Government to agree, in order to fulfil the mission which it had felt sure would be given to it at the end of the war, to allow the Jewish people to participate, not in the powers of administration of Palestine, but in the practical execution of that mission.

This conception appeared to be fully justified by the facts. It explained the reason why Mr. Churchill, as M. Van Rees had already pointed out, had been able to state that the Jewish people would be in Palestine "as of right"; or, in other words, that that people would not enter the country as foreigners, but would belong to the Palestinian nation to be subsequently created. It would further explain why Article 4 of the Mandate officially recognised the Jewish organisation as the organisation representing the Jewish people and chosen to co-operate with the Government. It further explained why Articles 6 and 7 referred to the special privileges enjoyed by Jews in respect of immigration, the acquisition of Palestinian nationality and their establishment on empty land, subject to reservations regarding the rights and interests of other persons. Finally, it explained why Article 11, of which the meaning was just as significant, expressly enjoined the participation of the Jews in the execution or exploitation of public works and services as well as in the development of the natural resources of the country.

All these provisions were closely interconnected. They formed a single whole and clearly expressed the fundamental idea that to the work of civilisation to be carried out in Palestine the Jewish element would contribute its moral and above all its material support, not in virtue of holding any kind of concession of an economic nature, but in virtue of its right to collaborate with the Administration. In this the Jewish activity formed an integral part of the economic evolution of Palestine, of which the mandate had been entrusted to the mandatory Power and which was the primary condition of the political development of the country.

M. Van Rees thought it regrettable that this point had not been seriously considered by the Commission of Enquiry. It was even more regrettable that the special situation granted by the mandate to the Jewish element in Palestine appeared to have escaped the notice of the Administration itself to such a degree that the three statesmen whose names were specially connected with the Declaration of November 2nd, 1917 — Lord Balfour, Mr. Lloyd George and Mr. Smuts — had been led to state publicly that causes "which are still obscure have impeded the task of administration and consequently the full carrying out of the policy" (letter published by *The Times*, December 20th, 1929).

It must be recognised that this was the main substance of the Jewish complaints. All the information which the Commission possessed regarding the manner in which the mandate had been applied showed that the three statesmen whom he had just quoted had not been mistaken. On the contrary, the fact was that, generally speaking, the clauses of the mandate concerning the Jews had not, in practice, received that application which their authors might have expected; not, in the first place, owing to the voluntary opposition of the Administration, but in consequence, M. Van Rees thought, at any rate in part, of the misunderstanding of the special situation which the international obligations assumed by Great Britain had granted to Jewish people in Palestine.

At this stage M. Van Rees would enquire whether the British Government substantially adopted the statement of the Shaw Commission to the effect that no premeditation and no organised revolt had occurred, for this point was not clearly stated in the British Government's memorandum (Annex 2).

Dr. Drummond SHIELDS replied in the affirmative. The views of the British Government on this point were contained in that document.

M. VAN REES said that in that case he wished to explain his views on that part of the conclusions of the Commission of Enquiry.

As far as the question of premeditation was concerned, the Commission of Enquiry justified its conclusions by observing (paragraph 2 of its conclusions, page 158) that the disorders had not occurred simultaneously in all parts of Palestine. What did this argument mean? Was it necessary that a rebellion should simultaneously spread to all the parts of a territory before it could be concluded that it was premeditated?

The second argument on which the Commission based its views did not appear more conclusive. The day before the outbreak of the disorders (see the report, page 80), the representatives of Jews and Arabs had met in conference to discuss the interests of Palestine. The exchange of views had taken place "in a friendly spirit". This was a fact to which the Commission appeared



to attach great importance, and it was all the more surprising in that everyone knew that Orientals, and among them the Arabs, in particular, were some of the best diplomatists in the world, and that they were very careful not to show their real thoughts by adopting a revealing attitude.

He felt it difficult, therefore, to understand why the Commission of Enquiry had concluded that there had been no premeditation and no organisation in preparing for the disturbances, despite a number of its observations to which he thought it useful to draw attention.

“ That the first of these motives is proved there can be no question ; neither the Arab Executive nor the Mufti has at any time endeavoured to conceal the fact that the policy which, since 1918, successive Governments of His Majesty have followed in Palestine is regarded by them as being detrimental to the interests of those whom they represent. Their opposition to that policy has been unwavering. The Arab Executive, from its institution, has opposed the policy and declined to accept the White Paper of 1922 (Cmd. 1700) ; there is no evidence that it has ever departed from the attitude which it then adopted. The Mufti, as a private person before his election to his present office, gave such expression to his feeling in the matter of policy in Palestine that he was implicated in the disturbances of 1920.” (Page 71.)

“ The movement which he in part created became, through the force of circumstances, a not unimportant factor in the events which led to the outbreak of August last, and to that extent he, like many others who directly or indirectly played upon public feeling in Palestine, must accept a share in the responsibility for the disturbances.” (Page 75.)

“ That in many districts there was incitement and that in some cases those who incited were members of the Moslem hierarchy are facts which have been established to the satisfaction of Courts in Palestine ; equally, it cannot be questioned that agitators were touring the country in the third week of August last and were summoning the people of certain districts to Jerusalem.” (Page 75.)

“ Opposition to the Balfour Declaration is an important element in the policy of the Palestine Arab Executive and, as we have already stated, it is our opinion that their feelings on this political issue might have provided a sufficient motive to have caused them to incite or to organise disturbance.” (Page 78.)

“ We also accept the evidence that there was a marked increase in Arab activity after August 15th, and, as we have already stated, it cannot be doubted that, during the third week of August, agitators were touring the country.” (Page 79.)

“ His (Sulehi Bey al Khadra, member of the Arab Executive) general demeanour before us was such that we believe that he would welcome any opportunity of furthering what he regards as the just cause of Arab nationalism in Palestine.” (Page 80.)

M. Van Rees wondered how the conclusions that there had been neither premeditation nor organisation could be reconciled with the reservations and statements made by the Commission on pages 158, 159 and 164 in paragraphs 6, 11, 12, 13, and 45 (c).

In its constant preoccupation only to accept legal and formal proofs, the Commission had reached a negative conclusion as soon as these legal principles appeared to it to be inconclusive. It seemed to have ignored the fact that, in an Eastern country where feudal conditions of life still existed, effective proof against the traditional religious and other leaders of the people would very rarely be found. The Commission appeared not to have realised that, in those circumstances, a passive attitude on the part of the leaders was generally as significant in the case of a population worked up by agitation and excited by an appeal to their religious feelings as active participation in the subsequent rising.

In his reference to the Commission of Enquiry, M. Van Rees had spoken only of the majority. The minority consisted of a single member, Mr. Snell. In his report, that gentleman had adopted a far more logical attitude than that adopted by the majority. On page 172 he said that the causes of the disturbances of August “ were due to fears and antipathies which, I am convinced, the Moslem and Arab leaders awakened and fostered for political needs ”. With reference to the Mufti, Mr. Snell said on the same page :

“ I have not the least doubt that he was aware of the nature of that campaign and that he realised the danger of disturbances which is never absent when religious propaganda of an exciting character is spread among a Moslem people. I therefore attribute to the Mufti a greater share in the responsibility for the disturbance than is attributed to him in the report. I am of opinion that the Mufti must bear the blame for his failure to make any effort to control the character of an agitation conducted in the name of a religion of which, in Palestine, he was the head.”

Mr. Snell went on to state :

“ If the campaign of political agitation had for its objectives the removal of grievances and the securing of safeguards for the future, the methods of propaganda adopted by the Arab leaders were, in my opinion, ill-chosen and futile ; if, on the other hand, the campaign was designed to arouse Arab and Moslem passion, those who participated in it, knowing full well the results of like agitation in the past, cannot have been unaware of the possibility that serious disturbance would follow. Though I agree that the Arab Executive is not of necessity responsible as a body for the words or acts of its followers or even of its individual members, I find it difficult to believe that the actions of individual members of the Executive were unknown to that body, or, indeed, that those individuals were acting in a purely personal capacity.”



Mr. Snell next pointed out (page 173) :

“ Finally, in regard to the campaign of incitement, I am unable to agree that the conclusions in the report acquitting the Moslem religious authorities of all but the slightest blame for the innovations introduced in the neighbourhood of the Wailing Wall. . . . It is my view that many innovations which followed thereafter, such as the construction of the zawiya, the calling to prayer by the muezzin and the opening of the new doorway, were dictated less by the needs of the Moslem religion and the rights of property than by the studied desire to provoke and wound the religious susceptibilities of the Jewish people.”

Mr. Snell finally repeated, on page 180, that the feeling of hostility and animosity on the part of the Arabs towards the Jews

“ . . . was rather the result of a campaign of propaganda and incitement than the natural consequence of economic factors.”

After a close study of all the elements of the problem to which M. Van Rees had devoted considerable time, he had not the least doubt that the responsibility for what had happened must lie with the religious and political leaders of the Arabs. This profound conviction had caused M. Van Rees to associate himself entirely with the remarkably well expressed account of the matter that had appeared in an article written by M. William Martin, published in the *Nouvelle Revue Juive* for the month of April 1930 (page 22).

[Translation.]

M. Martin stated :

“ Everywhere the troubles occurred, the victims were tempted to believe that they were the work of agitators. To a large measure they were right in this view, for no massacres such as those which took place in Palestine in August would have been possible had they not been organised and supervised. It would, however, be imprudent to deduce from this that there was a divergence of view between the agitators and the crowd of fanatics that followed them, for the mass everywhere followed its leaders and, whatever may be thought of the Arab Effendi in Palestine, it must be recognised that, in so far as the fellaheen are concerned, they are regarded as the leaders. In everyday life it is quite possible that the relations of the Jewish and the Arab population may be of a cordial nature. It is impossible always to be fighting, and the Arabs as individuals are gentle in their manners. But you can be perfectly certain that the fellaheen, accustomed as they have been for centuries to obey their feudal chiefs, can be set on to attack the Jewish population when their chiefs so decide. The Arab peasant is distinguished, not only in Palestine, but also in the other neighbouring countries, by the fact that he can always be induced to attack his true friends by his true enemies, who are the landowners. As a French official in Syria has pointed out : ‘ If we wish to pursue a policy in favour of the fellaheen, we can be quite certain in advance that we shall be received with bullets ’. This observation is accurately true of the situation of the Jews in Palestine, whose presence will improve the lot of the Arab peasant by the reclaiming of the country and by raising wages. The Jews, however, run the risk of being handed over at any moment to public vengeance as enemies of the people.”

Had the Government of Palestine seen the truth underlying the observations of M. Martin ? M. Van Rees had no hesitation in maintaining that it had. The proclamation of the High Commissioner, Sir John Chancellor, dated August 29th, 1929, proved this.

The only result of that proclamation on the Arabs had been that they had maintained that the Jews were alone responsible for the sanguinary disorders, as could be seen from page 68 of the report of the Commission of Enquiry. In making such an inconceivably foolish statement, they did not realise that they were showing exactly the same mentality as that displayed in British India at the present time. Since Gandhi had openly declared civil disobedience, disorders had occurred which he pretended not to have desired but which must inevitably have occurred. Nevertheless, it was still true that, in the eyes of his partisans and in his own eyes, the British Government must be held responsible for the victims of the madness which he had let loose. It was true that in British India there were no Jews to whom the responsibility for what had happened could be attributed.

It was very difficult to believe that, in spite of its own doubts, to which M. Van Rees had just referred, and despite the delicate manner in which those doubts had been expressed, the Commission had been able to conclude that there had been no premeditation or organisation of the disturbances on the part of the Arab leaders. It was even more surprising that the Commission should have extended this conclusion to cover the Head of the Supreme Moslem Council, the Grand Mufti Haj Amin El Husseini, referred to in several quarters as one of the principal organisers of these disturbances.

On page 71 of its report, the Commission stated that the Mufti had been implicated in the troubles which had occurred in the month of April 1920. The accused had been condemned in his absence by the Military Court to a very severe term of imprisonment.

The Commission also quoted a letter dated August 22nd, 1929, on page 75 of its report inciting the Arabs in unequivocal terms to take part in the attacks on the Jews which were to begin on the following day. The Commission observed in this connection (page 76) that this incitement to attack the Jews had been wrongly attributed to the Mufti. It had confined itself, however, to that declaration and had refrained from stating whether the origin of the letter quoted had been made the object of serious enquiry.



On the other hand, the Commission noted on page 77 that the Mufti had not scrupled to bear false witness. The Commission, however, had drawn no conclusion from this.

Account should also be taken of two facts which M. Van Rees thought particularly significant.

According to a secret letter from the Chief of Police at Jerusalem dated August 23rd, 1929, a facsimile of which had been forwarded to the Permanent Mandates Commission,<sup>1</sup> a black list had been drawn up as a result of a conference of police officials held on July 2nd, that was to say, a little before the outbreak of the disturbance. The first name on that list was that of Haj Amin El Husseini, the Grand Mufti.

In the British Parliament, the attention of the Government had been drawn to the fact that the Mufti had, on April 17th, 1930, sent a letter to his colleague Sheikh Mustapha Ghalaini, President of the Moslem Council at Beirut, urging him to incite the Arabs in Syria to rebel against the French authorities.

M. Van Rees considered that these facts, taken in conjunction with his previous statements, were not without importance for anyone who wished to arrive at the unvarnished truth.

Dr. Drummond SHIELS said he had listened with great interest to the statement made by M. Van Rees. The accredited representatives appreciated the great thoroughness and erudition which he had evidently devoted to this important investigation. Many of his descriptions of the situation in Palestine seemed to Dr. Drummond Shiels to show acumen and accuracy, but some of his inferences and conclusions could not be accepted by the mandatory Power. Certain of the points with which he had dealt would be considered later when the underlying causes of the disturbances were under consideration.

In the meantime, the accredited representative would be glad to have a copy of M. Van Rees' statement, and was prepared to give a considered reply to it if the Commission so desired.

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## SIXTH MEETING.

*Held on Thursday, June 5th, 1930, at 3.30 p.m.*

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### **Character of the Disturbances : General Policy of the Mandatory Power.**

The accredited representatives of the mandatory Power came to the table of the Commission.

#### GENERAL STATEMENT BY M. VAN REES (*continuation*).

M. VAN REES believed that, during the previous meeting, he had frankly stated his views on the character of the disturbances, on their real and profound causes which, in his opinion, involved the direct responsibility of the influential Arab classes, as well as his views on the political grievances of the Arabs and on the complaints of the Jews on the basis of the application of the clauses of the mandate which particularly concerned them. Having said in regard to the latter point that the provisions of the mandate relating to the Jews had not, in fact, found the application which had been hoped for by their authors owing, it seemed to him, to a too superficial appreciation of the fundamental idea which inspired the Balfour Declaration, M. Van Rees felt that he owed the accredited representative a complementary explanation of that point of view. To that end, he would confine himself to speaking, in particular, on Articles 4, 6, 7 and 11 of the Mandate and would pass over Article 2 of the Mandate in silence.

Article 4 recognised the Zionist Organisation as an official body "for the purpose of advising and co-operating with the Administration of Palestine in such economic, social and other matters as may affect the establishment of the Jewish National Home and the interests of the Jewish population in Palestine, and, subject always to the control of the Administration, to assist and take part in the development of the country".

Under that article, therefore, the body set up had no legislative or executive power but was a kind of advisory council endowed, under the mandate, with definite attributes. If, however, it was desired to take into account how that advisory body had in fact functioned, how it had been regarded in practice, it was only necessary to read what was said on pages 85 and 86 of the Minutes of the Fifteenth Session of the Mandates Commission. The information supplied on that occasion by the High Commissioner did not appear to give the impression that Article 4 had in reality been applied in conformity with what its authors might reasonably have expected.

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<sup>1</sup> "The Report of the Palestine Inquiry Commission", pamphlet published by the Zionist Revisionist Committee, London, 1930, page 38.



Article 6 stipulated that, without prejudice to the rights and position of other sections of the population, the Palestine Administration "shall facilitate Jewish immigration under suitable conditions and shall encourage, in co-operation with the Jewish agency referred to in Article 4, close settlement by Jews on the land, including State lands and waste lands not required for public purposes". It would, however, be useless to search for the measures taken to *facilitate* Jewish immigration, and the result would be as negative if an enquiry were made as to the State lands and the waste lands on which the settlement of the Jews had been *encouraged*.

Article 7 provided for the promulgation of a nationality law which should include "provisions framed so as to facilitate the acquisition of Palestinian citizenship by Jews who take up their permanent residence in Palestine". A law had, in fact, been promulgated in 1925, but it did not even refer to the Jews and did not offer them any greater facility for becoming Palestinian citizens than any other person.

Finally, Article 11, paragraph 2, authorised the Administration "to arrange with the Jewish agency mentioned in Article 4 to construct or operate, upon fair and equitable terms, any public works, services and utilities, and to develop any of the natural resources of the country, in so far as these matters are not directly undertaken by the Administration". No case of the application of this authorisation had, up to the present, come to the knowledge of the Mandates Commission.

M. Van Rees was perfectly well aware of the difficulties of all kinds with which the Palestine Administration was faced in regard to the carrying out of the letter and spirit of the provisions quoted. He very well knew the reasons for which it had not found itself able to apply them in accordance with the conception of the framers of the mandate. Nevertheless, it was true that the complaints of the Jews in that connection could not be considered as unfounded.

Dr. Drummond SHIELS, with reference to the statement made by M. Van Rees at the previous meeting, wished first to remind the Commission that his understanding of the purpose of the present session was not to go into matters relating to racial and religious antagonism between Jews and Arabs, and the relations of both parties to the Government, except in so far as they had a bearing on the spirit and manner in which the mandatory Power had carried out its duties and discharged its responsibilities; this, indeed, he understood, was the real business of the Commission. He had the impression that M. Van Rees would like to turn the present meetings of the Mandates Commission into a second Shaw Commission; even supposing such a procedure were relevant to the purpose of the session, there would be no opportunities for ascertaining accurately the facts such as had been abundantly available to the Shaw Commission, but were denied to those attending the present meetings. Such a development would also involve a length of sittings which would be of serious inconvenience to Dr. Drummond Shiels and his official department.

Reference had been made by some speakers to the Jewish memorandum, and there appeared to be a tendency among the members of the Mandates Commission to give that document an equal status with the Shaw report. It should be explained that every year the Jewish Agency sent a memorandum in connection with the annual report to the Mandates Commission. When forwarding that memorandum through official channels, the British Government accompanied it with its comments, and had, therefore, an opportunity to put its views in regard to the statements contained in the memorandum. As regards, however, the special memorandum which had been put forward in the present year supplementing the ordinary memorandum, the copies had reached the mandatory Government less than a week before the Commission's first meeting. It had therefore been quite impossible to comment on the matters in the Jewish memorandum unless it were held over. Consequently, in its anxiety that nothing should be withheld from the Mandates Commission, the mandatory Government had allowed the memorandum to go forward without any comment, and the Commission would see from this how anxious the British Government was that all available sources of information should be before the Commission. He would, however, point out that the memorandum was really a repetition of the Jewish case which had been fully put to the Shaw Commission, and had been presented to the Commission by a leading member of the English Bar with the assistance of other eminent counsel.

Dr. Drummond Shiels would also draw attention to the significant fact that the statements in the Shaw report relating to matters of fact were based upon evidence that had been subjected to cross-examination by distinguished counsel, and therefore had an authority which could not be attached to statements made in a purely *ex parte* case.

That case, as put forward in the memorandum, had to a large extent not been accepted by the Shaw Commission. The result was, in effect, that one of the parties to a suit had resubmitted its own particular case after a decision on it by what must be regarded — whatever opinion was held about the report — as a competent and impartial body. The Shaw Commission consisted of three members of the House of Commons, one selected from each of the three parties, and presided over by a distinguished colonial judge. No one of the members of that Commission had had any connection with Palestine or any prejudices in regard to the case which they had been sent out to investigate. Dr. Drummond Shiels would suggest that, if the Arabs also had cared to put a memorandum forward on the same lines, they might have made out a case that seemed convincing, taken by itself.

Dr. Drummond Shiels had already indicated that, in his conception, it was the task of the Mandates Commission not so much to decide on these racial antagonisms and their implications as to consider whether the mandatory Power had properly discharged its duties, and,



consequently, while his colleagues and he did not for a moment object to the Jewish Agency's memorandum being considered by the Commission, he would ask that this should be done in the light of the considerations which he had advanced.

There was also a smaller memorandum sent by another Jewish body, which was to some extent in opposition to that of the Jewish Agency; the same remarks applied to it.

In regard to the general statement by M. Van Rees, he would like to repeat that, while there was a good deal in it that was common ground, there was a number of conclusions and inferences which the accredited representatives could not accept, and upon which they would be glad to have an opportunity of making a statement.

M. VAN REES, referring to the first question dealt with by the accredited representative, drew attention to the fact that the Permanent Mandates Commission had already had to examine several cases in which trouble had occurred in the territories under mandate and that, in certain respects, the uprising in Palestine was similar to that which had occurred in Syria. In any event, the Mandates Commission had submitted to the Council, as it was its duty to do, a report explaining the whole situation; that was to say, the Commission had not merely related the facts, but had shown how such facts could have occurred.

It was not really possible for the Mandates Commission, above all in the present case and in view of the terms of the request made by the Council regarding this subject, to content itself with examining the events which had occurred in August 1929 without considering the causes which had given rise to them. M. Van Rees, for his part, had tried to ascertain what those causes were. His declaration, moreover, must always be considered as representing his own personal point of view and not the opinion of the Commission as a whole, since the latter had not yet expressed its view on the matter. M. Van Rees had considered it his right and his duty as a member of the Commission to express his views frankly. He had studied the problem without any prejudice, without any preconceived idea; he had only searched for the truth which was hidden under a mass of contradictory statements and, in his search, he had been guided only by his feelings of justice and equity.

Dr. Drummond SHIELS said he would not like M. Van Rees to think that he had any feeling but one of welcome for the statement which he had made and which showed evidence of great care and deep study of the subject. Dr. Drummond Shiels, however, had felt anxious lest the Commission's deliberations might extend into remote channels and lead to an undue prolongation of the meetings. The accredited representative had taken note of what M. Van Rees had said and would be glad to have an opportunity of replying to his observations.

M. ORTS reminded the accredited representative that at the second meeting he had observed that the Mandates Commission expected an indication from the mandatory Power of the reasons and considerations for which it had associated itself with certain findings of the "Shaw" Commission. This request was based on the fact that certain conclusions of this report — which had been submitted to the Mandates Commission as the basis of its work — clearly called for strong reservations.

M. Van Rees had drawn attention to the serious contradictions and gaps in the report of the Commission of Enquiry. They were such that the Mandates Commission could not consider the report as being the sure guide which it had hoped to find therein.

This fact was not calculated to facilitate the work of the Commission. On the other hand, it increased the importance of the other elements which the Mandates Commission had at its disposal and, in particular, the memorandum from the Jewish Agency, an organism which was officially recognised by the mandate and which was competent to give advice on all questions affecting the interests of the Jews in Palestine.

M. RAPPARD observed that, in the replies which the High Commissioner for Palestine had given the Mandates Commission in July of the previous year — that was to say, on the eve of the very serious events which had occurred in the mandated territory — he had left the Commission under the impression that the whole situation was becoming brighter and brighter. It was obvious, therefore, that the Mandates Commission had been misinformed as to the situation, and this was no doubt due to the fact that the High Commissioner himself had been misinformed.

In saying this, he did not in any way mean to imply that the High Commissioner had attempted intentionally to mislead the Commission.

Dr. Drummond SHIELS observed that, in his statements to the Commission, Sir John Chancellor had actually said :

"I think I can say that the relations between the two communities continue to improve. There has been little open friction between them. The one exception to this general statement is the Wailing Wall case."<sup>1</sup>

It should be noticed that the High Commissioner had said *he thought* that he could say that relations were continuing to improve and that he had used the word "improve", which did not mean that relations were entirely satisfactory. He had also said that there was no *open* friction, but that implied that there might be latent friction. The High Commissioner had added that the one exception was that of the Wailing Wall case. Dr. Drummond Shiels felt bound to say that that statement, even in the light of subsequent events, was a correct one. Latent friction undoubtedly continued to exist, and with a volatile people, as was the

<sup>1</sup> Minutes of the Fifteenth Session of the Permanent Mandates Commission, page 79.



population of Palestine, feelings might easily and quickly flare up owing to the underlying antagonism which still existed. In his view, nothing that had happened since in any way affected the reliability of the statement made by the accredited representative to the Mandates Commission in July 1929.

M. RAPPARD did not wish to press the point, but could not help hoping that the Commission was better informed in other cases. The events of August 1929 had evidently surprised the High Commissioner, because, otherwise, he would not have gone on leave and, unintentionally of course, misinformed the Commission. The outbreak was obviously the culminating result of increasing tension. It was plain that the High Commissioner had not been correctly informed and M. Rappard could not but feel that, whatever had happened, the Commission had not received the information it should have received if it were to be of any real service. To misinform the Council upon a basis of insufficient knowledge appeared to M. Rappard to be a rather futile proceeding for the Permanent Mandates Commission.

Dr. Drummond SHIELS still refused to admit that Sir John Chancellor had himself been misinformed or had misinformed the Permanent Mandates Commission. All the members of the Commission were perfectly well aware of the precarious situation with regard to the preservation of order in a country like Palestine, and, if the Wailing Wall dispute had temporarily become less acute, it might nevertheless flare up at any moment. The members of the Commission would agree that — up till now — if the High Commissioner were to defer his leave until it was quite certain that no outbreak could occur in Palestine, he would never have any leave at all.

Sir John Chancellor had not only acted according to his information, but had also given the Mandates Commission the information within his knowledge.

M. RAPPARD repeated that he had no desire to suggest that Sir John Chancellor had wilfully misled the Commission, but merely to point out that he had been misinformed in July 1929, and that the Commission had been misinformed with him.

#### **Underlying Causes of the Disturbances. General Policy of the Mandatory Power.**

The CHAIRMAN proposed that the Commission should pass on to consider the underlying causes of the events.

He wished first, however, to draw the accredited representative's attention to the statement which he had made on the previous day concerning the hostility between the Arabs and the Jews. It was interesting, in this connection, to recall the following statement made by the British Prime Minister at the plenary meeting of the League Assembly on September 3rd, 1929 :

“ There is no racial conflict in what happened in Palestine the other day ; it was a situation which calls for the leaders of both races to join together and, with common voice and with equal passion, condemn what is nothing less than an ordinary political crime. There is no conflict between Moslems and Jews . . . ”

The Chairman asked whether the accredited representative could say how his own statement was to be brought into line with that made by Mr. MacDonald in 1929.

Dr. Drummond SHIELS said that Mr. MacDonald, speaking immediately after the disturbances, had not the advantage of knowledge that subsequently became available.

With regard to the underlying causes he would venture to make a few introductory remarks :

The first matter to which he wished to refer was the attitude of the Arabs to the mandate. Much of what he had intended to say had already been said by the Chairman and by M. Van Rees. It could not, he thought, be doubted that this was a very important underlying cause. The Arabs had never accepted the mandate and had never been willing to co-operate in its working, and, in spite of their wish for self-governing institutions, they had refused — owing to its alleged inadequacy — a Legislative Council and had also rejected the offer of an Arab Agency similar to the Jewish Agency. Their complaint was that, while Palestine was, in form, under an A mandate, in effect it was under a B mandate, since, owing to the dual nature of the mandate, it was not possible for them to achieve an independent Government. There was no doubt that they were greatly affected by the position of their co-religionists in Iraq and the Hejaz, the latter having an independent Government already, and the former a good prospect of a similar Government within a few years.

Dr. Drummond Shiels was not sure that this complaint was entirely directed against the mandatory Power, for the Arabs knew perfectly well that the mandatory Power had to administer the mandate as given, and realised that the ultimate responsibility was not with the mandatory Power. At the same time, he might say that the British Government was not without hope that, even if the Arabs did not give up their objection to the mandate, they might become willing to agree to a *modus vivendi*, by which some arrangement could be made to work the mandate as it stood. There had been four meetings in London with the Arab



delegation, each meeting lasting several hours, and, while it had not been possible to come to any agreement, because the demands had not seemed compatible with the mandate, the discussions had been very frank and friendly and both sides had parted on quite good terms. Since those discussions, the British Government had been going very carefully into the possibilities of some constitutional arrangement which might be acceptable to the Arabs as well as to the Jews.

He believed that the Arab leaders were now realising that the mandate must go on, and that Great Britain was determined to carry it out in accordance with the terms on which she had accepted it from the League. A number of the Arabs, he thought, saw that it was not good either for the country or for themselves to take up the intransigent attitude which they had adopted in the past. He had, therefore, some hopes for the future in that connection. He trusted that M. Rappard would not accuse him of being too optimistic.

The next point to which he wished to refer was the Jewish attitude towards the mandate. That was also a rather important point. A great deal of the pressure in the Zionist movement came from America and from European countries. The Jewish people there were not always fully informed of the nature of the mandate, and sometimes failed to understand the difficulties with which the mandatory Power was confronted in conscientiously carrying out its dual obligation.

They saw no reason why the Jews should not pour into Palestine in very much larger numbers than had been allowed.

The British Government, however, had consistently tried to follow out the policy outlined in the Command Paper published in 1922, in which it was said that immigration must be adjusted to the economic capacity of the country to absorb new arrivals. When, in the exercise of that policy, it was found necessary to keep out a number of people whom the Zionist authorities were anxious to have admitted, there was apt to be the criticism that the mandatory Power was not sympathetic to the idea of the Jewish National Home, that it was not doing the best it could to advance it, and that there was plenty of land and accommodation for more people. The mandatory Government had, however, in point of fact, been trying to encourage and further the establishment of the Jewish National Home, but believed that it was in the best interests of that Home and of its final success that the population in Palestine should not increase so rapidly as many of the foreign leaders of the Zionist movement thought to be justified. The increase in population must be regulated in accordance with the economic capacity of the country to absorb it, and the mandatory Power must be the judge of the proper rate of increase.

In regard to the Arabs and also to some of the Jewish leaders, who were both beginning to realise that some effort would be necessary on their part for a mutual *rapprochement* — and again Dr. Drummond Shiels intended to speak very cautiously — there was ground for hoping that some working arrangement might be established which would make it possible to carry out more harmoniously the application of the mandate, even as it stood, and with all its existing difficulties. Goodwill could overcome these.

A second underlying cause of the disturbances, and one which was allied to some extent with the former, was the fear of the Arabs for their economic future. There had been, and still was, a great difference of opinion as to the capacity of Palestine for absorbing new people, and the Arabs claimed that saturation-point had already been reached. The Jews said that there was still plenty of accommodation, but the Arabs believed that, if more Jewish immigrants came into Palestine, they could only be accommodated at the expense of their own people. The Jews, on the other hand, pointed out, not only that there was land available, but also to the fact that the economic position of the Arabs had to a large extent improved, and their standard of life been raised, as a result of the Jewish arrivals. The controversy still remained, and the Mandates Commission would agree that, the more the population of Palestine increased and the more Jewish people were admitted, the more difficult that question became.

These remarks might be taken, to some extent, as a reply to certain of the criticisms about undue optimism. The Commission would also agree that this position was a justification, especially in view of the statements made in the Shaw report, for slowing down in the meantime the admission of new people and for sending out an expert so capable as Sir John Hope Simpson to give the Government, if possible, a more scientific basis for its future policy.

It would be noticed that the Shaw Commission had not criticised the mandatory Government's policy — it agreed with that policy — but had said that it had been carried out in an unscientific way and that at times more people had been admitted than should have been. This, of course, was a problem which could never be solved quite accurately. It was impossible to say for any one period exactly how many people should be admitted, but there must be some means of arriving at an approximate estimate of the economic capacity of the country to absorb new people at any particular time, and it was hoped that, as a result of Sir John Hope Simpson's enquiry, the Government would be provided with some guidance which would enable it to regulate immigration better in the future. At the same time, he did not admit that, on the whole, it had worked badly in the past.



The last point with which Dr. Drummond Shiels wished to deal — and it was a rather important point — was the human factor. He often thought that the importance of machinery for administration was exaggerated, and there was no doubt that the human factor always counted for a good deal. It was unquestionable that there was a good deal of intolerance between the Jewish and the Arab leaders, and, to some extent, in the rank and file as well. Many of the Arabs had undoubtedly been resentful of the entry into the country of what they regarded as an alien people ; on the other hand, some of the Jews going to Palestine had come from other countries far away and, having very different conditions, they had not quite realised the real position in Palestine. Some of them had perhaps been aggressive and had an inaccurate idea of the nature of the Jewish National Home. They had not realised that it was to be a National Home *in* Palestine and not a Jewish State.

Although the human factor could not be estimated or stated very accurately in a report, there could be no doubt that it had had an important bearing on the success of this great enterprise. He was glad to say that its importance had been realised by the Zionist leaders, and that they were trying to impress on those immigrants who came from distant countries that they had to have regard to the feelings and susceptibilities, and even the prejudices, of the inhabitants of the country, and to endeavour to conduct themselves so as not to arouse those human antagonisms which, linked with other considerations, might make for very serious trouble.

M. ORTS, referring to what the accredited representative had said regarding the encouraging impression left by the recent conversations between the Arab delegation and the British Government, and the hope expressed that they would make it possible to establish a *modus vivendi*, noted that a letter, dated June 4th, from the Arab delegation at Geneva, addressed to the Chairman of the Mandates Commission, did not confirm this optimistic view. The Arab delegation reported the failure of the negotiations and appealed to the Mandates Commission to settle the dispute in accordance with the wishes of the Arabs.

In that same letter the following sentence occurred :

“ Nothing can convince us that similar troubles to those which have occurred, and perhaps more serious ones, will not occur unless the British Government changes immediately and entirely its policy . . . ”

Such a statement did not indicate a conciliatory spirit and such a threat, coming from a section of the population which, according to the report, had been shown to be responsible for the events of 1929, was certainly worthy of the whole attention of the mandatory Government.

As regards the question of immigration, M. Orts admitted that it might have been considered desirable to suspend further action pending the report of Sir John Hope Simpson. He would like, however, to know how the High Commissioner, on his side, could justify the contrary decision he had taken at the same moment, when he had authorised the entry of 3,000 new immigrants.

Dr. Drummond SHIELS was not prepared to offer any observations on the communication referred to by M. Orts, which he had just seen.

He had not wished to give an impression of undue optimism and he had said that no agreement had been found possible. The Arabs had persistently demanded a democratic constitution with representation according to population. There was a very large Arab majority in Palestine, and the acceptance of that demand would have given the Arabs control of the country, since all that they had proposed to give the High Commissioner was a right of veto. It followed that they could have made the working of the mandate impossible, and consequently, while the British Government was anxious to further self-government among the Arab peoples as much as possible — and it had given proof of its good faith, for example, in the case of Iraq — it had felt that, under its obligations to the League, it was impossible to accept the proposal of the Arab delegation. That was the reason for the attitude it had adopted.

There was very little else in the proposals put forward by the delegation. The British Government had suggested similar arrangements to those proposed previously, but the Arabs had evidently been anxious to press this particular point, and it was for that reason that it had been impossible to come to an agreement. He had, however, as he had already said, hopes of some constitutional advance which the Arabs would accept.

In regard to the question of immigration, Dr. Drummond Shiels thought that he had made it clear that the issue of immigration certificates was — to some extent — a routine arrangement, taking place every half-year. The time for issuing them for the ensuing half-year was just before the decision taken to send out Sir John Hope Simpson. It followed that the High Commissioner had only been pursuing the normal course. That course, however, had been criticised by the Shaw Commission as resting upon an unscientific basis. The proposals put forward had never been scheduled. They had, therefore, no legal sanction, but had merely been an announcement of intention, and it had accordingly been thought that the permits might be held over in the hope that, if Sir John Hope Simpson's report were favourable, it would be possible to issue them later.

There was no justification for the fears and suspicions which had been aroused, and which, in many cases, had been so intemperately expressed.



M. RAPPARD called attention to the fact that the accredited representative had on two occasions referred to a mandate received from the League of Nations. He would point out, however, that the League of Nations had, in fact, received the mandate from the mandatory Power. The League of Nations could not be held responsible for the terms of the mandate, which had been drafted by the mandatory Power and conveyed to the League.

Dr. Drummond SHIELS replied that, whatever its origin, the mandate was given by the League and worked under its authority.

The CHAIRMAN asked whether the mandatory Power had formed any idea as to when the National Home for the Jews would be established. Was it possible to say when the Jews themselves would consider that their National Home had been established?

Dr. Drummond SHIELS said he would prefer not to express an opinion on that point.

M. RAPPARD observed that the Arabs interpreted self-government to mean a right to do as they pleased. Self-government in this sense was clearly incompatible with the establishment of the Jewish National Home. It followed that the establishment of any agreement or *modus vivendi* which left this point in the background could not be regarded as a lasting settlement. Self-government by the Arabs must necessarily be based on a recognition by them of the obligation to establish the Jewish National Home. Until the Arabs recognised that obligation, Palestine must necessarily remain under the direct administration of the British Government.

Dr. Drummond SHIELS agreed. The wishes of the Arabs as at present expressed could not be carried out within the terms of the mandate, and, unless the Arabs were prepared to agree to a *modus vivendi* which took the obligations of the British Government under the mandate into account, negotiations with a view of self-governing institutions must necessarily be futile. There had been, he believed — and as he had already hinted — an indication of a change in the attitude of the Arabs. They had hitherto insisted on stating that they disliked the mandate and would do nothing which might imply that they accepted it. Now, however, he was hopeful that they were beginning to feel that it might be possible for them to accept a *modus vivendi* on the understanding that they reserved the right to continue to protest against the mandate itself. They were, he thought, realising that, by agreeing to co-operate with the Administration, they were not necessarily abandoning their claims.

M. PALACIOS pointed out that, in dealing with these affairs, the first thing to be done was to explain matters clearly, in order that there might be no confusion, since the question of self-governing institutions for the peoples of Palestine touched upon the central conception of the mandate and had, according to the Shaw report, played a part in creating the disturbances. Mr. Snell, in his reservations, had not, it was true, attached so much importance to them. It was certainly a very disputed question, which gained or lost in prominence according to whether it was brought up by the Arabs or by the Jews.

The legal question, however, seemed clear. There were two articles in the mandate, both of them duly expounded in the questionnaire approved by the Council of the League, that precluded any such confusion as that to which the reports of the mandatory Power sometimes gave rise, a confusion which had not been altogether avoided in the report by the Palestine Administration for 1929. In the Shaw report, however, and in Dr. Drummond Shiels' statements, the various institutions were rightly understood, as they had also been in Sir John Chancellor's statement in 1929.

Article 2 of the Mandate referred to constitutional institutions, while Article 3 referred to local autonomy and municipal government. When the Mandates Commission had first taken up the question in the autumn of 1924, Sir Herbert Samuel had dealt quite clearly with it, and had said that Great Britain would always be ready to continue the policy towards the Arabs that had broken down in 1923 (see Minutes of the Fifth Session, page 56). After him had come Mr. Ormsby Gore, who had been equally clear in his views, and had said that it was a question of patience, and that in some years' time a satisfactory conclusion might be reached in the matter (see Minutes of the Seventh Session, page 105).

After this, the confusion had arisen in the reports of the Administration, as a result of which, when asked what had been done for Palestine in carrying out the relevant part of Article 2, the Administration replied by stating what had been done under Article 3, while also referring, nevertheless, to the system of municipal government in its replies with regard to the institutions to which that article really applied.

Perhaps this confusion was a result of the failure to make any great progress in the constitutional question between 1924 and 1927, which had been admitted on page 18 of the Shaw report and had, it seemed, been due to the influence of Lord Plumer, who had been firmly resolved not to introduce representative government in Palestine until the people should have learned to govern themselves and to make a wise choice of their representatives in the local administrative institutions.

The annual report on the administration for 1929, which on page 9 was quite in order, was not, however, in M. Palacios's view, free from the above-mentioned confusion of ideas in the replies to the questions of the Mandates Commission given on page 168. The statements on pages 15 and 168 concerning religious communities were correct.



In raising this question, of course, the Chairman, like M. Palacios, had had in mind the possible conclusion of an agreement with the Arabs and other peoples of Palestine in regard to self-government — in its bearing, that was to say, upon the constitutional problems of the State.

Dr. Drummond SHIELDS said he had never claimed that the setting-up of local self-governing institutions amounted to setting up the institutions referred to in Article 2. The same principle, however, was involved. Local government was a very important factor in contributing to the success of national self-governing institutions and naturally led up to those institutions. Unless good local self-governing institutions were established to act as a kind of reservoir of future representatives of national bodies, the same success in applying these principles to national and central institutions was not so likely to be achieved.

There should be no doubt in the minds of the members of the Mandates Commission as to the reason why there was at present no central legislative body. The mandatory Administration had endeavoured to create such a body since the year 1922, and it was rather hard that the mandatory Power should be blamed for not carrying out an article of the mandate which it had repeatedly endeavoured to apply. The administration had on many occasions placed proposals before the Arabs for the constitution of legislative councils and other forms of representation. These proposals had always been refused. There was a British saying that you might lead a horse to the water but you could not make him drink, and he did not think that the mandatory Power could be blamed because the Arabs had refused to accept its proposals in any form.

He would remind the Commission that Sir John Chancellor, on returning to Palestine after the disturbances, had issued a proclamation to the following effect :

“ In accordance with an undertaking which I gave to the Committee of the Arabian Executive before I left Palestine in June, I initiated discussions with the Secretary of State when in England on the subject of constitutional changes in Palestine. In view of recent events, I shall suspend these discussions with His Majesty's Government. ”

That proclamation showed that, just before the disturbances had taken place, the High Commissioner had been putting forward new proposals which he, presumably, thought would meet the Arab position. Discussions along the lines of those proposals were now being resumed and it was hoped that they would be more successful than in the past.

M. PALACIOS agreed that local self-government was a valuable training-school for national representative government.

M. RAPPARD thought that the difficulties inherent in Article 2 of the Mandate had been rather too strongly emphasised owing to the fact that the provisions of the article were almost invariably discussed in the light of extreme opinions. Both the Arabs and the Jews endeavoured to adopt, as regards the article, two interpretations which, if carried to extremes, were inconsistent. Article 2 might be interpreted by the Arabs in a way which would render the establishment of a Jewish Home quite impossible ; it might, on the other hand, be read by the Zionists in a way which would make it impossible for the institution of any real autonomy for the Arabs. The mandatory Power, however, must seek for an interpretation which reconciled these two extremes and did not render the article self-contradictory and absurd.

It was the duty of the mandatory Power to establish the National Jewish Home and to develop self-governing institutions so far as was compatible with such establishment. If the Arabs refused to consider the establishment of the National Home for the Jews, they definitely rejected the first provision of the mandate, and the Mandatory could not be censured for failing to apply the second part. The two parts could only be applied so far as they were compatible.

The CHAIRMAN observed that, in considering the two parts of the mandate to which M. Rappard had referred, it was necessary to bear in mind the fundamental principle of all the mandates. The purpose of the mandates as described in Article 22 of the Covenant was the development and welfare of the inhabitants of the mandated territory. It was said that in this case the Mandatory must establish a National Home for the Jews, and set up self-governing institutions. Which of these obligations came first ? In his view it was necessary to insist that the establishment of the National Home for the Jews must be made compatible with the introduction of autonomous institutions. That was the Arab view and it was consistent with the fundamental purpose of the mandate.

The accredited representative had referred to the English saying that a horse might be brought to the water but it was impossible to make him drink. The horse might, however, in this case have come to the conclusion that the water was unwholesome and that he had very good grounds for refusing to drink it.

M. RAPPARD insisted that it was necessary to find an interpretation of the two parts of the mandate which were mutually consistent and could be read as a logical whole. The Mandatory must set up self-governing institutions in so far as their establishment was compatible with the establishment of the National Home for the Jews. The Chairman had



reversed this proposition. Such a reversal, however, was unjustified, because the Arabs, if they were accorded complete self-government, would obviously ignore the obligation to establish a National Home for the Jews.

Dr. Drummond SHIELDS said he had been greatly interested in the interchange of views between M. RAPPARD and the Chairman. He did not, however, propose to comment upon them.

M. RAPPARD said that reference had already been made to the fact that there were two kinds of Jews in Palestine, namely, the original orthodox Jews and the incoming Zionists. Which of the two classes had been primarily the victims in the recent disturbances ?

Mr. LUKE replied that the orthodox Jews had mainly suffered, especially in the attacks on the Jewish community of Hebron and Safed.

M. RAPPARD asked whether it should not be concluded from this that the religious motives underlying the disturbances had been more powerful than the economic motives.

Mr. LUKE did not think that this was the case. The orthodox Jews had suffered most severely because the districts of Hebron and Safed were mainly inhabited by this class of Jews. In the suburbs of Jerusalem, where Jews of the other class were found, and in certain colonies founded by more recent arrivals, they too had suffered.

M. RAPPARD observed that the Arabs responsible for the disturbances must have known that Hebron and Safed were mainly inhabited by the orthodox Jews. The disturbances, moreover, had also arisen out of the incidents at the Wailing Wall. These facts seemed to point to a religious motive for the disturbances rather than a mere reaction to economic pressure. Would it not be right to say that the orthodox Jews, who had hitherto been regarded as a negligible element in the country, had come to be looked upon as dangerous by the Arabs on religious grounds as representative of a race and a religion which was becoming daily more numerous and important ?

Mr. LUKE said that the Arabs who had attacked the Jews in Hebron and Safed would have been prepared to attack any Jews they might happen to meet, orthodox or otherwise.

The CHAIRMAN said that the Commission had been informed on previous occasions that the old orthodox Jews disliked the newcomers. Had the recent disturbances tended to unite them ?

Mr. LUKE said that the natural result of the disturbances was to bring the two classes together.

M. RAPPARD said it had been stated that relations between the Arabs and the Jews had improved when immigration had decreased or had been balanced by emigration. The Commission had also been informed that the bad feeling between Arabs and Jews was due to economic hardship. Immigration, however, was restricted by the authorities when the country became less prosperous. It would seem to follow that the bad feeling between the Arabs and Jews should be worst and not best at the time when immigration was checked owing to unfavourable economic conditions.

Mr. LUKE said that, when the immigration of the Jews was reduced or balanced by emigration, the economic anxieties of the Arabs necessarily became less acute.

The CHAIRMAN enquired whether the cost of living had gone up in Palestine in recent years.

Mr. LUKE said that the cost of living was higher than it had been under Turkish rule.

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## SEVENTH MEETING.

*Held on Friday, June 6th, 1930, at 10.30 a.m.*

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### Underlying Causes of the Disturbances (continuation).

The accredited representatives of the mandatory Power came to the table of the Commission.

#### POLICY OF THE MANDATORY POWER IN CONNECTION WITH IMMIGRATION AND LAND SETTLEMENT.

M. RAPPARD wished to put a purely technical question : What was the rôle of the Palestine Government and that of the Colonial Office in granting or withholding immigration permits ?



Dr. Drummond SHIELS replied that the present arrangement was that the Palestine Zionist Executive put in twice yearly an estimate of the number of Jewish immigrants which they thought should be admitted for the ensuing year. The estimates were examined by the appropriate Government departments and then by the High Commissioner, who considered them and took a decision in the light of the advice given by his competent officials in regard to the state of the labour market and other cognate matters. The High Commissioner then announced that he was prepared to admit so many immigrants for the ensuing half-year, and, later, that decision was published in the Government *Gazette* and thereby became effective.

In the case which M. Rappard no doubt had in mind, the High Commissioner had made his announcement in the usual course before he had been informed of the wishes of the mandatory Government resulting from the negotiations with the Arab delegation in London and from the decision to send Sir John Hope Simpson to Palestine. The High Commissioner's announcement, however, had not been published in the *Gazette*, and had not, therefore, assumed legal form, so that there had been no necessity to cancel the immigration permits. Once the High Commissioner made his decision, he notified it to the Colonial Office, but in the normal course of affairs the Colonial Office merely took note of the fact and did not intervene.

M. RAPPARD asked whether he was right in understanding that, in the case of the recent suspension of the issue of permits, the High Commissioner had, on economic grounds, taken a decision which had become known although it had not yet been published in the *Gazette*, and that, as a result of orders from London, it had not been published at all.

Dr. Drummond SHIELS replied that that was the case.

M. VAN REES observed that the question of immigration involved the question of land settlement, and these two problems formed the two principal grievances of the Arabs against the Jews. The Shaw Commission, while rejecting the other Arab grievances, had paid particular attention to these two, and M. Van Rees therefore thought that they might be taken together.

Dr. Drummond SHIELS said it was true that the questions of land settlement and immigration were the two most important subjects with which the mandatory Power was concerned in Palestine. The British Government had adopted certain lines of policy in regard to immigration, the wisdom of which had been challenged to some extent by the Shaw Commission. The latter — as he had explained before — had not criticised the policy but had stated that it had not been carried out in a properly scientific manner. As soon as the mandatory Government became acquainted with these criticisms, it had made arrangements for Sir John Hope Simpson to go to Palestine, so that it might have all possible information in order to free its immigration policy from the criticism that it had resulted in admitting more people than the country could absorb. The question being thus, so to speak, *sub judice*, Dr. Drummond Shiels did not feel in a position to state definitely what policy the mandatory Government would adopt in consequence of the investigations now being made.

M. VAN REES observed that Dr. Drummond Shiels' statement raised a previous question. In view of Sir John Hope Simpson's mission, did the members of the Mandates Commission think that the questions of immigration and land settlement should be taken up at once, or would it be better to await his report and the comments of the British Government, so that the whole question could be reviewed at another session ?

M. Van Rees proposed later to ask the accredited representative certain questions on this matter and to reserve his views as a whole until he had been able to study the report in question.

Dr. Drummond SHIELS said that when the British Government had received Sir John Hope Simpson's report and had come to a decision, it would be glad to communicate that decision at once to the Permanent Mandates Commission.

COUNT DE PENHA GARCIA observed that there were two aspects of the immigration problem. There was first the question of what had been done hitherto, and there was, secondly, the question of what the mandatory Power proposed to do in future. He saw no reason why the first aspect should not be considered immediately. The policy of immigration had been adopted in order to establish the Jewish Home in Palestine, and the mandatory Power had now had ten years' experience. It had therefore some guidance in the matter.

It appeared that the mandatory Power had not always shown sufficient prudence or judgment in granting immigration permits. In 1926 and 1927 there had been considerable unemployment in the mandated territory due to excessive immigration. The position had since improved and there was at present very little unemployment, so that the country's capacity for absorbing labour would seem to be greater than it had been three years previously.

The question of immigration was, as had already been pointed out, closely connected with the question of the lands available for settlement. In this matter, however, regard must be paid to the economic qualifications of the persons entering the country. Some immigrants went to Palestine to find work as labourers in industries or on farms, while others went to acquire land and to settle as agriculturists. There were therefore two different categories of



immigrants whose work and economic capacity were very different, and this fact was not without effect on the very difficult demographic question existing in the country, especially from the point of view of the sociological consequences.

Count de Penha Garcia wondered whether the method of compiling demographic statistics in Palestine had been such as to supply the most useful information. This question was of importance, because the mandatory Power was required under the mandate to provide for the establishment of the Jewish National Home. The maximum number of Jews to form the population of the Jewish National Home had never been stated, and, in ascertaining how many Jews could be accommodated in the country, the mandate required that due attention should be paid to the existence and rights of the indigenous population.

The Shaw Commission's report gave an estimate, but the basis of that estimate seemed to be quite empirical. A figure of three millions had been mentioned as the maximum for the Palestinian population during a period of fifty years. Of this number, the Jewish population might amount to from 1,200,000 to 1,800,000 according to the amount of immigration. Calculations on the basis of the amount of uncultivated or badly cultivated land available should only be accepted with caution. It was impossible to say that so many people could be accommodated per acre until it was known under what conditions they would have to support themselves. The growing of oranges would support a larger population than the growing of cereals, which required a larger area. On the other hand, the establishment of prosperous industries would make it possible for a much larger population to find a livelihood in a comparatively small area.

Again, the figure of 10 per 1,000 for the annual increase in the population given in the Shaw report appeared to be somewhat arbitrary, and did not seem to have been founded on any statistical basis. The whole study of the question made by the Shaw Commission was far from precise, and the figures given in the four graphs attached to the report did not seem to be based on any definite data.

An interesting point to be noted in connection with the question of immigration and the absorption capacity of the country was the fact that there were Jewish emigrants as well as Jewish immigrants. The two should be taken into consideration in determining the rate of increase of the Jewish National Home.

The statistics of vacant lands or land which could be utilised were also faulty, and the system of land tenure should be improved.

It would therefore be wise for the mandatory Power to examine carefully the way in which the statistical data for the solution of the land and population problems had been compiled by the Palestine Administration. The system followed hitherto and the use made of it had certainly not been satisfactory and called for improvement. The establishment of the Jewish National Home must be conditional upon the demographic, social and economic conditions existing in the country. No League of Nations and no mandatory Power could alter the physical or economic character of the territory. Palestine could support in its present condition only so many people and no more, and it was for this reason that a careful study would have to be made of the capacity of the territory for progressive economic development, and that study must be based on reliable data.

Other questions to be considered in this connection were the reasons why immigrants came to the country, whether they possessed capital and intended to purchase land and settle on it, or whether they came as unskilled labourers or industrial workers. In a word, the demographic variations of the Jewish National Home must be determined.

M. MERLIN said that, in the matter of immigration, there seemed to have been some uncertainty. Jewish immigration into Palestine had begun in 1920, following on the application of the provisions concerning the establishment of the Jewish National Home. Immigration had increased progressively in 1922, 1923 and in 1924, then more suddenly and to a very large extent in 1925. The movement had then slowed down materially in 1927 and 1928 as a result of a reaction on the part of the Arab population and the hesitations of the mandatory Power. It seemed, therefore, that it would be fair to say that, in this the primary problem for the mandatory Power, the latter had left matters somewhat to take their own course. M. Merlin did not wish so much to offer criticism as to elicit an explanation.

The Commission now found itself confronted with an entirely new situation to which he would draw the serious attention of the accredited representatives. As a result, it seemed, of the conversations in London with the Arab delegation, the mandatory Power had suddenly suspended all immigration. In view of these facts, M. Merlin would be glad to have from the mandatory Power certain explanations as to the principles by which, in these various circumstances, it had been guided in its policy.

The official Government figures for immigration from 1921 to 1928 were as follows in round figures :

1921 . . . . .	9,900	1925 . . . . .	33,800
1922 . . . . .	7,800	1926 . . . . .	13,000
1923 . . . . .	7,400	1927 . . . . .	2,700
1924 . . . . .	12,900	1928 . . . . .	2,200

They indicated that, in a particularly delicate matter, which was more likely than any other to arouse the susceptibilities of one or other section of the population, the mandatory Power had not adopted any precise rules. M. Merlin would draw the attention of the mandatory Power to the very serious results which were likely to follow on the abrupt decision to suspend



all immigration pending the receipt of Sir John Hope Simpson's report. The absence of any definite policy was bound to entail an uncertainty of feeling among the Arabs, who had been alarmed by the rush of immigrants in a year like 1925, and, on the other hand, among the Jews, who could not fail to interpret the sudden stoppage of all immigration as a concession to the demands of the Arabs and as being calculated to deprive the Jews of all guarantees for the future.

M. Merlin fully realised that, when a matter was still in the experimental stage, the mandatory Power might sometimes change its views as the situation became clearer and in order to effect improvements; but, in the present case, there seemed to have been a complete absence of doctrine. The policy adopted up to the present seemed to him to have been subject to the caprice of circumstances. As regards the failure to publish in the *Palestine Gazette* the decision of the High Commissioner regarding the issue of permits, the explanation given by the accredited representative was a purely administrative one and could not be regarded as sufficient or satisfactory.

The question of immigration, as Count de Penha Garcia had pointed out, should also have been more carefully examined. It seemed to be quite possible to estimate the number of immigrants who might be permitted to enter the country annually, without being obliged to await the conclusions of Sir John Hope Simpson's report. It had been indicated that the decision to suspend immigration while awaiting this report was a purely temporary one. It was to be hoped that this was so, that the delay involved would be short and that it would not be necessary to wait so long as for the Shaw report.

M. ORTS considered that the question of immigration should be examined from three aspects. The first point to be examined was whether the system followed hitherto should be continued or modified. The mandatory Power had reserved its opinion on the matter, while awaiting the conclusions of the enquiry which it had entrusted to a competent expert. M. Orts, as he had already said, approved that decision.

The second point was the question whether the measure to suspend immigration temporarily was justifiable and desirable.

It seemed doubtful whether such a decision was justified since, at the time when the decision had been taken in London, the High Commissioner, on his side, had authorised the admission of 3,000 new immigrants. This important official, who was in a position thoroughly to appreciate the situation, was therefore of the opinion that the arrival of this new contingent would not give rise to any inconvenience.

Was such a measure desirable? All that could be said was that it had been interpreted by the Arabs as well as by the Jews as an act of weakness, that it had given rise to mistrust on the part of the one element, had strengthened the uncompromising attitude of the other, and, in the last resort, had disturbed still more the moral atmosphere in which the work of pacification was being carried out.

There was, thirdly, the question whether the system of immigration and the way in which it had operated hitherto had been one of the causes of the 1929 disturbances. This was the point which M. Orts would like now to clear up. The Shaw report replied in the affirmative. On page 161 it said:

"We consider that the claims and demands which from the Zionist side have been advanced in regard to the future of Jewish immigration into Palestine have been such as to arouse among the Arabs the apprehensions that they will in time be deprived of their livelihood and pass under the political domination of the Jews."

The report approved Sir John Campbell's view "that the crisis of 1927 and 1928 was due to the fact that immigrants have come into Palestine in excess of the economic absorbing power of the country". It then admitted that "there is incontestable evidence that, in the matter of immigration, there has been a serious departure by the Jewish authorities from the doctrine accepted by the Zionist Organisation in 1922 that immigration should be regulated by the economic capacity of Palestine to absorb new arrivals". Further on it stated that "the feeling of Arab apprehension caused by Jewish immigration was a factor which contributed to the outbreak".

Lastly, it alleged that the General Federation of Jewish Labour, when issuing immigration permits, allowed itself to be influenced by the political creed of the applicants and not by their professional qualifications.

M. Orts asked whether these conclusions of the Shaw Commission were accepted by the mandatory Government, and, if so, what considerations had determined it to accept them rather than other conclusions which formally contested the bases of the first.

M. PALACIOS said that the immigration question touched the essence of the mandate, owing to its effect on the establishment of the Jewish National Home. It was one of the most controversial questions in the administration of the mandated territory. The Mandates Commission had received a great number of press cuttings and pamphlets contesting the findings of the Shaw Commission on this point alone, some of them stating that the findings of the Commission were incompatible with statements made by the accredited representatives at previous sessions of the Mandates Commission. It was further alleged that the Shaw Commission had failed to consider certain causes of economic depression — in particular, agricultural depression; for instance, drought, the cattle plague of 1926, the earthquake of 1927, the invasion of locusts in 1928, etc. Such causes had contributed largely to the



difficulties of the country in those years. One pamphlet entitled "Immigration and Prosperity" by S. Hoofien had endeavoured to show that Jewish immigration had contributed enormously to the prosperity of the territory. The members of the Mandates Commission naturally desired to have full information on this very much debated question. Most of the Arabs held the contrary opinion.

The CHAIRMAN said that, in connection with the problem of Jewish immigration into Palestine, he wished to remind the Commission that he had always had in mind the vital importance of this question, which he had raised in 1924 at the fifth session. He had then drawn the attention of Sir Herbert Samuel, the accredited representative, to what he considered to be the necessity of adjusting immigration to the absorption capacity of the country, and of making a careful selection of immigrants with due regard to the needs of the country.

On the basis of the considerations that had emerged from that discussion, the Commission had referred to the subject first in its report on the fifth session, and then again in its report on the seventh session (1925).

Ever since then the Chairman had not failed, every time that the examination of the annual reports had afforded him an opportunity, namely, at the ninth, eleventh and thirteenth sessions, to revert to the question, and to underline the great importance which this question appeared to him to have.

The restrictions imposed by the mandatory Power on Jewish immigration to Palestine was one of the complaints which the Jews had against it. It would be interesting to compare the annual immigration figures with the requests made by the various Jewish organisations before the allocation and granting of the permits.

It was extremely difficult for the members of the Mandates Commission to form an opinion on this point. The articles appearing in the Press at the present time and the representatives of the various parties concerned presented the question in entirely different ways. It was for this reason that the Chairman considered that the statement to the effect that the mandatory Power had not succeeded in pleasing either the Jews or the Arabs was justified.

While he recognised that it was difficult to satisfy both the Jews and the Arabs, he had the impression that the mandatory Power had shown a certain dilatoriness. In his view, therefore, it would be extremely interesting to have a reply to the question he had asked, as well as to that of M. Orts, as to whether the mandatory Power accepted the conclusions of the Shaw Commission that Jewish immigration had been one of the causes of the disturbances of August 1929.

Dr. Drummond SHIELS said he felt somewhat disappointed that there had not been a little more sympathetic appreciation of the great difficulties of this subject. It must, he thought, be perfectly obvious that the factors involved were not constant mathematical factors, but were subject to many influences which were bound to cause variations. In every immigrating country in the world these variations occurred, even in those which had not the special problems and difficulties existing in Palestine. M. Merlin, for instance, had asked about the various fluctuations. The causes of the fluctuations during each year had been explained regularly in the annual reports. M. Merlin had also said that there had been a want of guiding principle in the Government policy. Dr. Drummond Shiels must demur strongly to that statement. There had been no want of guiding principle.

The guiding principle had been specifically stated in the Command Paper of 1922, where the principle was laid down that immigration into Palestine must be effected according to the economic capacity of the country to absorb new immigrants. That was a very definite guiding principle, but, as he had said before, it had, of course, to be applied in the presence of variable factors which it was quite impossible accurately to estimate. He did suggest, however, that the method which had been employed by the Palestine Government in making these admissions, which gave a six-monthly check on new arrivals, was perhaps the best practical method that could be adopted.

If the members of the Commission would look back over the years and study the position recorded in the annual reports, they would find that the estimates had not been so very far out. Considering the difficulties, the calculations had been remarkably successful. The years 1924 and 1925, as was well known, were boom years in many countries, and were followed by a slump in those countries as in Palestine; and, in this connection, it was only right to point out that Palestine had recovered very much more quickly than other countries. It should also be pointed out that, even in 1925, immigration had represented only 4 per cent of the population, and the number of unemployed had never exceeded 1½ per cent of the total population.

The remarks of the Shaw Commission on this subject had not been given as the verdict of experts. The members of that Commission themselves had agreed that they were not experts, but they had realised, as the members of the Mandates Commission had rightly realised, that the question of immigration, associated as it was with the land question, was one of fundamental importance in the whole problem. The Shaw Commission said in its report (page 123):

"Having thus set out the four considerations which, in our view, must be taken into account, we would record the opinion that the possibility of intensive cultivation in the coastal plain, and perhaps in other parts of Palestine, should be carefully investigated



by the Government of that country or by experts appointed by the Government. If this survey be sufficiently comprehensive, the field of possible development in the immediate future would be covered, and for a period of years at least land policy could be regulated in the light of facts ascertained by scientific investigation."

Dr. Drummond Shiels submitted that, having pursued what appeared to it to be a reasonable policy of endeavouring, with the best means at its disposal, to regulate immigration according to the economic capacity of the country to absorb new arrivals, with checks at six-monthly intervals, and having received the criticisms of the Shaw Commission, the mandatory Government had acted properly and promptly in sending out the best available man, a man accustomed to land settlement and all the factors involved, to give it further advice. In reply to M. Merlin, he would add that the British Government expected to have Sir John Hope Simpson's report in the course of the next two months.

Dr. Drummond Shiels wished to thank the Chairman for his expression of sympathy and for his statement of the difficulties of the problem. The Chairman had asked if the accredited representative could give any figures showing what had been the results in regard to applications for immigration permits. Dr. Drummond Shiels had not had time to look up all the figures, but those which he proposed to quote were included in the Annual Report for 1929 (page 168), where it was said that the Jewish Agency had advised that "there was a reasonable prospect of absorbing 8,701 new workers in the half-years beginning on April 1st and October 1st. The Administration considered it desirable, however, to reduce this demand to 4,700." It would be clear from this passage, and from other comparable figures which could be obtained, that there had been a very careful investigation by the Palestine Government and by its proper departments of the estimates put before it, and that all relevant considerations had been carefully and courageously taken into account.

He would point out one difficulty in regard to the permanence of the employment offered to new immigrants. It was quite obvious that no guarantee could be given in that direction. Sometimes the new immigrants were engaged in building houses. If the numbers able to be admitted continued to be substantial, the building of houses would go on. If not, the building of houses would decrease and unemployment would result. The same applied to the extension of orange groves, another favourite form of employment for new arrivals. These were among the many factors which made it very difficult to forecast accurately the number of immigrants which could be safely admitted.

It would be noticed that the statement with regard to British policy (Annex 2) quoted the Permanent Mandates Commission to the following effect (this passage was taken from the observations of the Commission of November 1924):

"It is obvious that, if the mandatory Power had only to take into consideration the interests of the population, its immigration policy ought to be dictated primarily by considerations of the economic needs of the country. It is, moreover, equally clear that, if the mandatory Power had not to take into account the interests of the Arab population, and if its sole duty was to encourage Jewish immigration in Palestine, it might be in a position to pursue an agrarian policy which would facilitate and expedite to a greater extent than its present policy the creation of a Jewish National Home."

It was therefore quite clear that the Permanent Mandates Commission itself recognised the very delicate and difficult task facing the mandatory Power.

He had been asked whether he agreed with the views of the Shaw Commission in regard to immigration as a cause of the disturbances. He had dealt with that point on the previous day, and had stated that he thought there was no doubt that the fears of the Arabs in this connection had been a factor in the situation; but he was not prepared to say that he accepted in all respects what the Shaw Commission said in regard to this matter. The view that His Majesty's Government had taken was that the Shaw Commission had called attention to this part of the problem as being of special importance and as having a certain reference to the recent disturbances, and it was because of that that they had taken the steps, which had been indicated, to put the problem, if possible, on a more scientific basis. He would point out that, whether the fears of the Arabs were justified or not, they were still a factor in the situation, because fear of something unsubstantial might produce very definite results.

In conclusion, he would repeat that he did not believe that under any system — and every effort would be made to get the best, the most scientific — dealing with variable factors, such as had to be dealt with in this matter, it would ever be possible to arrive at a perfect balance between those who were admitted and those whom the country could properly absorb; but the object of the mandatory Government — and this, he thought, was all that the Commission would expect it to achieve — was to see that the smallest possible margin of error existed, and that every means had been taken to ensure that the forecasts were as accurate as possible.

M. MERLIN said that the reply of the accredited representative to his observations did not quite satisfy him. Dr. Drummond Shiels had said that the Administration had pursued a definite policy, which was that Jewish immigration must be in proportion to the economic capacity of the country to absorb it. That, in M. Merlin's view, was the goal, but it was no more



than an aspiration, and, in reality, this policy had not been put into practice. It might be said that, if the rules for carrying out this desire had been settled, it would not have been necessary to call in the services of Sir John Hope Simpson. M. Merlin wished to emphasise the fact that, during the years 1924 to 1926 the economic capacity of absorption of the country had, apparently, been very considerable, whereas after 1926 it seemed to have become much less. This seemed to M. Merlin to be due to the absence of a policy and of exact rules on the part of the Administration regarding a question of primary importance. The problem seemed to have been governed by chance and too much attention seemed to have been paid to the trend of local public opinion.

He was glad to hear that the Commission would receive the report of Sir John Hope Simpson in about two months.

In so far, however, as the sudden suspension of immigration was concerned, while such a step might be necessary from the Administration's point of view, on economic grounds, M. Merlin doubted whether politically it had been a wise measure. Had it not, in fact, been a cause of unrest on the part of certain elements of the population and had it not given rise to apprehension on the part of others, which might have been a cause of embarrassment to the mandatory Power?

M. RAPPARD recalled that the question of Jewish immigration into Palestine had been made the object of long discussions in the past. No one would quarrel with the doctrine that immigration should be in proportion to the economic capacity of Palestine to absorb the immigrants. It would be absurd to flood the country with immigrants who could not find the means to support life there. The last persons, he thought, to object to such a doctrine would be the Zionists themselves, who would have to bear the consequences of too large an inflow of immigrants.

The problem, however, was complex. Such factors as the yearly harvest and the effects of the various crises in the different trades through which other countries passed had to be considered. From an economic point of view a new country, Palestine was now under development, and the rate at which it developed was governed by the amount of capital invested in it. In such circumstances, the flow of immigration was necessarily irregular, and on this point therefore he could not agree with M. Merlin. Had the flow of immigrants been too regular, the Permanent Mandates Commission might well have criticised the mandatory Power on the ground that its policy was too mechanical and did not take sufficient account of economic factors.

The solution arrived at by the mandatory Power of sending an expert to ascertain the possibilities of development was a welcome one, but M. Rappard could not but regret that ten years' experience had been necessary before such a decision had been adopted.

The Arab grievances in connection with Jewish immigration were, M. Rappard thought, twofold. In the first place, they emphasised the dangers to the economic welfare of the country by overflowing it with immigrants. Supposing, however, that the economic capacity of Palestine to absorb immigrants were unlimited, M. Rappard was of opinion that the Arabs would be still more annoyed and alarmed than at present, because they were afraid of losing, not their livelihood, but their numerical preponderance. They very naturally dreaded to find themselves in the minority. If the Government maintained that it was in favour of maximum immigration, limited only by the economic capacity of the country to absorb the immigrants, it would be on safe ground so far as the mandate was concerned. It was not likely, however, that the apprehensions of the Arabs would be allayed by such a policy.

What alarmed M. Rappard was the inclination of the Government in its recent action to consider this the second element of the question. The recent decision of the Government was a case in point. M. Rappard assumed that the Palestine Administration had based its immigration policy on the economic capacity of absorption, and that the veto imposed by the Government in London on Jewish immigration had been inspired solely by the consideration of the effect such immigration might have upon Arab mentality.

The Commission had been informed that this decision to suspend immigration had been taken after a discussion with the Arab delegation, and the accredited representative had pointed out that, even if the fears of the Arabs in regard to the overflowing of the country from the economic point of view were unfounded and unsubstantial, "the fear of something unsubstantial might produce very definite results". This might be taken to mean logically that every time the Arab protest reached a certain point of violence it would be considered and action, in consequence, taken. Was not this a dangerous policy and one likely to encourage such protests?

If the Arabs felt that they had only to create disturbances and even to resort to violence in order to secure the limitation of immigration, and if, on the other hand, the Jews felt that, if they succeeded in inspiring the Government in London with the conviction that to limit immigration was dangerous on political grounds, then a state of mind would be created in which the Palestine Government would be shaken by conflicting non-economic considerations and the seeds, not only of discontent, but of conscious and deliberate violence, would have been sown. This, in Palestine, would constitute the greatest possible danger.

COUNT DE PENHA GARCIA desired to put three questions to the accredited representative :

1. According to the statistics before the Commission, three-quarters of the Jews entering Palestine came from Poland, Russia or some other Slav country. Was there



any difference between these and Jews coming from other countries, such as, for example, America? Did they speak Yiddish or did they preserve the language of their country of origin?

2. Were any statistical data available to show the degree of education possessed by the various immigrants?

3. He took it for granted that the entire Jewish immigration scheme was directed by the Jewish Agency. Were there any figures showing the number of persons applying for permits to enter Palestine and the number of permits actually issued?

Mlle. DANNEVIG said that on page 102 of the Shaw report a table was reproduced showing that the number of Jews of independent means entering the country was 32 per cent, and the number entering under the labour scheme was 36 per cent. How many of those who subsequently left the country belonged to the former class; that was to say, how many Jews of the type who were most valuable to Palestine left it?

M. ORTS said that the reply of the accredited representative to the question which he had put to him was not, from his point of view, altogether satisfactory.

M. Orts had asked the accredited representative whether the British Government accepted the conclusions of the Shaw Commission given in paragraphs 25 to 30 of its report (page 161). This question of immigration was of primary importance, and it was essential to make clear the effect which it might have had on the events.

M. Orts recalled that the Mandates Commission had been asked by the Council to give a reasoned opinion on the disturbances of 1929 and on the causes of those troubles. According to the Shaw report, one of these causes was the Jewish immigration — or, more exactly, the policy followed in this matter in previous years. The conclusions reached by the Shaw Commission on this subject had been formally contested. Thus, Mr. Snell, one of the members of the Commission, did not agree that paragraph 30 of the conclusions was well founded. That conclusion read as follows:

“ In the allocation of certificates supplied to them for this purpose, it is the practice of the General Federation of Jewish Labour to have regard to the political creed of the several possible immigrants rather than to their particular qualifications for admission to Palestine. This system cannot be defended; that political creed of any complexion should be a deciding factor in the choice between intending immigrants is open to the strongest exception. ”

This statement was questioned by Mr. Snell and had given rise to protest on the part of the Jewish Agency and of the General Federation of Jewish Labour.

In view of these two contradictory opinions, it was not indiscreet to ask how the mandatory Power would settle between them. When the accredited representative replied that he accepted the conclusions of the Shaw report to a certain extent, but without giving further details, such a reply was not calculated to facilitate the work of the Mandates Commission, which was expected by the Council to enlighten it regarding the causes of the events.

Dr. Drummond SHIELS said he wished first to reply to M. Merlin, who seemed to think that the policy announced as having been followed by His Majesty's Government was not a good policy. That policy was that the Administration should proceed on the basis that immigration should be in accordance with the economic capacity of the country to absorb new immigrants. Dr. Drummond Shiels was not sure whether M. Merlin meant that this was not a sound line to take; but, if that were his meaning, the accredited representative would be glad if M. Merlin would suggest any better policy, because, so far, he had heard no solution proposed which could be described as an improvement.

It was not true that the immigration policy had at any time been dictated by the reactions of public opinion. One explanation of the large increase in immigration in the years referred to by M. Merlin was due to something other than an increase in land settlement. The Jews had begun to develop a policy of industrial enterprise on a fairly extensive scale. In the report of the High Commissioner on the Administration of Palestine (1920-1925) there was to be found the following passage:

“ Already four establishments on a large scale have been founded — a flour mill, and factories for the production of silicate bricks (made of sand and lime), of vegetable oils and soap, and of cement. The first three have involved a capital expenditure of over £100,000 each, the last of nearly £300,000. Another company is producing salt by the evaporation of sea-water in artificial basins covering 600,000 square metres. The number of smaller enterprises is large. In the Jewish town of Tel-Aviv, which adjoins Jaffa, over seventy have been founded in the last four years — for the manufacture of various textiles, of shoes, of hats, thread, stoves, corks, mirrors, cigarettes, electric batteries, soap, candles, leather, furniture, confectionery, ice, and a score of other products. It is estimated altogether that about 150 industrial enterprises have been founded in Palestine since the war, with a total investment of £E1,200,000 of capital, of which all but £E100,000 is Jewish. ”



That was a factor which must not be lost sight of in regard to the immigration question. The case was not entirely that of Jews entering Palestine to establish themselves on the land. The land question was important, but there had been a very definite development of Jewish industrial enterprises quite new to the country which had absorbed a considerable amount of labour. Obviously, instead of endangering the situation of the Arabs in so far as the land was concerned, this factor probably improved it, for larger markets for produce were available, together with other forms of employment. The period referred to by M. Merlin had covered a number of "boom" years, and this experience had been common to various other countries. Money had been available for starting enterprises in Palestine, and a considerable amount of that increase in immigration which had been criticised was due to that cause.

In 1927 had come the slump, which had affected Palestine equally with other parts of the world, although, as Dr. Drummond Shiels had previously pointed out, Palestine had made a very good recovery.

It was quite true — as M. Merlin had suggested — that the present check to immigration, which almost certainly was merely a temporary suspension, had been embarrassing to the Administration and to the Home Government. Every Government, however, was accustomed to embarrassments, and in this case, if the British Government considered a certain course of action to be right, it would follow that course despite any embarrassment which it might suffer. That, he thought, was a sound and honest policy.

Dr. Drummond Shiels could quite agree with the preliminary observations of M. Rappard, for they supported the case of the British Government. M. Rappard had been quite right in pointing out that, in any immigration country, immigration went in cycles. It was always irregular and it would be a suspicious fact if this were not the case. After a period of influx, a subsequent period of consolidation was often desirable. Then the stage was cleared for further development.

M. Rappard, however, seemed to misunderstand somewhat the reasons for the despatch of Sir John Hope Simpson to Palestine. M. Rappard had said that this was a very desirable step but that it was a pity that ten years had elapsed before an attempt had been made to put immigration upon a proper and scientific basis. The British Government, however, did not yet know whether Sir John Hope Simpson would draw the conclusion that its past methods of policy had been wrong. There was no certainty that he would draw this conclusion. The British Government had never accepted the view that the lines upon which it had been proceeding had been erroneous. It was quite possible that Sir John Hope Simpson might report that, on the whole, he thought the mandatory Power had practised a system which was the best possible in the circumstances. He might suggest modifications, but it was not to be taken for granted by the Permanent Mandates Commission that Sir John Hope Simpson was going to report that the past policy of the Administration had been erroneous. M. Rappard's criticism, therefore, was not justified. Sir John Hope Simpson would give the British Government his expert advice, asked for on this special occasion, but it was not fair to say that the Administration had now done something that it should have done ten years previously.

M. Rappard had then dealt with the suspension of immigration and had pointed out, very rightly, that it would be unfortunate if pressure by any section of the population led His Majesty's Government to alter its policy accordingly. That was a perfectly sound observation and one upon which the British Government had always based its action. The Mandates Commission should, moreover, remember that the Arabs had been making such protests from the very beginning. They had never ceased to maintain that immigration was not only excessive but should not take place at all.

The position was now different, because the Arab delegation had been able to quote the findings of the Shaw report as a justification of their complaints with regard to immigration. Two factors had therefore combined to influence the decision of His Majesty's Government, which was in the circumstances, he thought, a wise one. For, while the Government was prepared, and keenly anxious, to continue to carry out the project of a Jewish National Home, despite the criticisms and opposition of the Arabs or of anyone else, he did wish to make it quite clear that it desired to keep in mind all its responsibilities. It did not wish to lay itself open to the criticism that it had disregarded the doubts expressed by the Shaw Commission and had continued a policy which the Arabs maintained was wrong, without having taken every possible step to ensure that the policy was right. That was the position of the British Government and he thought he had made it clear that his Government was not to be prevented, by the protests of any section of the Palestine community, from taking any steps which it considered necessary. Whatever happened, the British Government intended to go on, but with prudence and courage.

It had been said that it was a deplorable state of things that one Jew in Palestine maintained that he had been happier under the Turkish regime, a statement which, he said, had appeared in a newspaper. All that Dr. Drummond Shiels could reply was that there were very conservative people in all countries who sighed for the "good old days". As a member of a Labour Government, however, he could not give that sympathy to the individual in question which perhaps some members of the Commission were able to give.

While determined to proceed with the development of the Jewish Home in Palestine, the British Government must be sure of its ground. When it had taken all possible precautions and secured all available assistance it would go forward. As he had said, the Administration was anxious to pursue the policy of establishing the Jewish National Home, but it must be



remembered that the mandate was dual in its nature and that the mandatory Power had to discharge, *vis-à-vis* the League, both of the responsibilities involved. One of those was that it must ensure that the policy of establishing the Jewish National Home did not affect the rights and privileges of the original inhabitants of Palestine. The reason for the steps taken by the Government lay precisely in the fact that it was trying to discharge this dual function, which the Commission had already agreed was a difficult one.

M. Orts had said that the reply of the accredited representative had not wholly satisfied him. This was a matter of regret to Dr. Drummond Shiels, for he had done his best. M. Orts had pointed out that the findings of the Shaw Commission cast, at any rate, considerable suspicion on the methods of immigration and had then gone on to observe that the Permanent Mandates Commission had desired to know the truth. On taking steps to find this, however, it had been met by the observations of the British representative to the effect that the British Government could not state definitely whether what the Shaw Commission said was correct, whether what the Jews said was correct, or whether what the Arabs said was correct. This was M. Orts' version of his statement, and Dr. Drummond Shiels begged leave to maintain that it was a little inaccurate and unreasonable.

The report of the Shaw Commission had only been in the hands of the British Government for a short time. It had acted on the suggestion in that report to the effect that further expert guidance should be obtained. He did not think that any length of time had elapsed before obtaining that guidance. It would be a foolish policy and one which would lay the mandatory Power open to very grave criticism if the accredited representative informed the Commission, as M. Orts appeared to suggest was desirable, of some final judgment. On the information at present available, the British Government was not in a position either to accept or reject the conclusions of the Shaw report or any other of the criticisms made on this point. The Government must await the information which would enable it to make up its mind on this matter, especially as there was a great deal of controversy upon it. When it had made up its mind and determined its policy in the light of all available information, no time would be lost in giving the Mandates Commission a full statement of its views. That was, he thought, frankly and honestly, all that the Permanent Mandates Commission could expect from the British Government.

M. ORTS thought that there was a misunderstanding which he would do his best to dissipate. In view of the fact that the Permanent Mandates Commission had been asked to ascertain the causes of the events which had occurred in 1929, he had asked the accredited representative to assist the Commission to form an opinion in regard to one of the alleged causes concerning which several contradictory views were held. The accredited representative had replied that it was impossible for him to give the final considered opinion of his Government until the report of Sir John Hope Simpson had been received.

M. Orts quite understood that, while awaiting the report of the expert whom it had asked to assist it in this matter, the mandatory Government would wish to reserve its opinion regarding what should be done as regards immigration in the future; at the moment, however, it was a question of the past and not of the future. What the mandatory Power was expected to do was to settle between those who claimed that the immigration policy, as it had been carried out, was one of the causes of the troubles, and those who formally disagreed with this opinion.

The mandatory Government had the reports of its administration, it knew the versions of the disturbances given by the representatives of the two elements of the population with whom it was in constant touch, it had in its possession the report of a Commission whose duty precisely it was to ascertain the causes of the troubles and which for this purpose had, for two months, carried out an enquiry on the spot. If the mandatory Government, which possessed all this information, had not yet formed an opinion on the causes of the events which had taken place nearly a year ago, it would be impossible for the Mandates Commission to carry out the task laid upon it by the Council.

Dr. Drummond SHIELS replied that, if the members of the Commission had gone to Palestine, his own task would have been easier.

To some extent, M. Orts had answered himself. If persons of great ability, though not experts in the land question and in that of immigration, had made a careful examination and had been unable to arrive at a unanimous opinion on the matter, as was the case with the Shaw Commission, it was surely only wise that before His Majesty's Government reached an opinion one way or the other it should obtain further information. That part of the report of the Shaw Commission on this subject which the British Government had accepted was a statement that the matter needed further investigation. That investigation was being carried out and, in the light of the results obtained, the British Government's decision would be taken. Surely, although all might agree that it would be more satisfactory, both for the Permanent Mandates Commission and for the British Government, if the future policy on land and immigration could be stated immediately and definitely, it would, he thought, be foolish, merely for the sake of speed, to attempt to do so.

M. ORTS, intervening, said that he did not wish to know the future policy of the British Government but merely its opinion regarding the causes of the outbreak of 1929.

Dr. Drummond SHIELS replied that there was controversy on this point. There had even been a difference of opinion in the Commission of Enquiry itself. For that reason, the British Government was trying to discover the relation between the land and immigration questions and the difficulties of the past. That being so, he was sorry to be unable to go any further than he had gone in his previous reply.



## EIGHTH MEETING.

*Held on Friday, June 6th, 1930, at 4 p.m.*

### **Underlying Causes of the Disturbances of August 1929 (continuation).**

The accredited representatives of the mandatory Power came to the table of the Commission.

#### IMMIGRATION AND LAND SETTLEMENT (*continuation*).

M. ORTS asked if the accredited representative could explain the reply he had given at the last meeting to the question asked, namely, whether the mandatory Power accepted as its own the conclusions appearing in paragraphs 25 to 30 of the Shaw report.

Dr. Drummond SHIELS said that the British Government accepted the statement contained in paragraph 25 of the general conclusions. He had already elaborated this statement in the observations which he had made to the Commission.

He had further made it clear on the previous day, in reference to paragraphs 26 and 29 of the general conclusions, that he believed that the apprehensions of the Arabs referred to in those paragraphs had been a contributory factor in the recent outbreak. He did not, however, think it was right to say that the claims and demands which had been advanced from the Zionist side with regard to the future of Jewish immigration into Palestine had been such as to arouse among the Arabs the apprehension that they would in time be deprived of their livelihood and pass under the political domination of the Jews. He thought that statement went too far.

He accepted the views expressed in paragraphs 27 and 28 as statements of opinion to which serious attention would have to be given, but he did not necessarily accept those statements as being entirely accurate. The members of the Shaw Commission would not themselves claim to be authorities on the subject or able to give a final judgment. He had already endeavoured to indicate the steps which the British Government was taking in order to deal with these factors.

The complaints referred to in paragraph 30 — to the effect that the General Federation of Jewish Labour in the allocation of certificates to possible immigrants had regard to their political creed rather than their qualifications for admission — were seriously challenged by the Jews. The views of the British Government on this question would be found in paragraph 6 of the Statement (Annex 2). The British Government was examining these complaints, but no final opinion had yet been formed.

The CHAIRMAN asked whether Mr. Luke desired to reply to the questions relating to immigration raised by Count de Penha Garcia at the seventh meeting.

Mr. LUKE said that the Jews in Palestine fell into two principal categories. First, there were the Jews from Europe and the United States. Secondly, there were the so-called Oriental Jews. Jews of the first category came largely from Poland, Russia, Roumania and other Central and Eastern European countries, and also from the United States. Jews of the second category were partly the descendants of Jews who had been expelled from Spain and Portugal in the fifteenth century. The general language of this second category of Jews was a dialect of Spanish. The second category also included Jews who had been settled for centuries in various Asiatic countries, such as the Yemen, Georgia (Caucasus), Persia and Central Asia.

The language habitually spoken by the Jews from Europe before their arrival in Palestine was usually not Hebrew but Yiddish, which was a form of middle High German mixed with Hebrew and expressions borrowed from the particular countries in which these Jews lived. The Balfour Declaration had, however, given a considerable impetus to the use of Hebrew not only inside but outside Palestine, and many prospective immigrants now studied Hebrew before coming to the country. Hebrew was now definitely the general language of the great majority of the Jews in Palestine.

The level of education among the immigrant Jews from Europe and the United States was on the whole fairly high. They were not only avid readers of newspapers, but frequently also contributors to them; and they came into the country bringing with them ideas, not only of the twentieth century, but sometimes even of the twenty-first.

The figures showing the number of applications for permission to enter the country recommended by the Zionist Executive and the number of permits actually granted would be found in the annual report for 1929 (page 168). Figures for the antecedent years were not immediately available.

The only information available regarding the Jews who had emigrated from Palestine was that which could be found in the table of Jewish immigration and emigration given on page 101 of the report of the Shaw Commission.



Lord LUGARD enquired why the Jews were emigrating from Palestine. Were these emigrants Jews who had been settled on the land at Zionist expense ?

Mr. LUKE believed that the majority of the emigrants came from the towns, but he had no precise statistics. They were mostly people who had come into the country since the war and who either could not make a livelihood or found the conditions in other respects not sufficiently attractive.

M. ORTS asked what organisation was entrusted with determining the economic possibilities of the country and its capacity to absorb immigrants.

Mr. LUKE said that the Zionist Executive estimated the number of immigrant Jews for whom it could find employment. The figures were submitted to the Palestine Government, which considered them in the light of the observations of the appropriate department and decided what number of permits could be granted.

The CHAIRMAN said that the Jews accused the mandatory Government of failing to place sufficient land at their disposal and even stated that the Government was, in its land policy, more generous to the Arabs. Could the accredited representative state what lands were at the disposal of the Government which could be distributed to the Jews ? He had collected the statistics of the lands which were in the possession of the Jewish Agency and the Rothschild Foundation. Did these lands include the lots which had been placed at the disposal of the Jews by the mandatory Government ?

Dr. Drummond SHIELS said that the land now in the possession of the Jews was, except for a small proportion, not Government land. He was not aware that any specific application made by Jews for land that was at the free disposal of the Government had been refused.

The CHAIRMAN referred to statistics in regard to the lands in Jewish ownership in 1922 and 1929 which would be found on page 86 and page 113 of the "Statistical Abstract of Palestine, 1929" (Keren Hayesod, Jerusalem, 1930). The statistics showed that only one-half of these lands were cultivated. He asked how this could be explained.

Mr. LUKE said that this fact was partly explained by the circumstance that, in the case of some of the larger and earlier Jewish colonies, more land had been acquired than the colonists could at the time farm in its entirety. Moreover, many of these colonies had before the war been seriously ravaged by epidemics, with a consequent reduction of their population.

The CHAIRMAN said that, in these circumstances, it was clear that further Jewish settlers might be accommodated on land which was still at the disposal of the Jewish organisations.

Mr. LUKE agreed. Some of the older Jewish colonies, owing to additional population and resources, were only now beginning to be able to exploit their lands to their full extent.

He would add, in reference to the land which was uncultivated, that, in the case of Jewish purchases of large parcels of land, the purchasers had to take the good with the bad, and that in such parcels there would probably be a proportion of unserviceable land.

M. ORTS asked whether the accredited representative would be prepared to say whether the British Government accepted the general conclusions of the Shaw Commission in regard to the land problem in particular, the opinions expressed in paragraphs 33 to 36 on page 162 of the report of the Shaw Commission.

Dr. Drummond SHIELS observed that paragraphs 31, 32 and 33 contained only statements of fact and these statements were not seriously disputed. He would like to explain, in reference to the failure of the Land Transfer Ordinances of 1920 and 1921, that the real difficulty of the Administration had arisen from the fact that there was necessarily a delay between the actual purchase of the property and the registration of the transaction. By the time the information regarding these transactions reached the Administration, the cultivators had accepted compensation and disappeared. The Administration was thereafter unable to get into touch with them. He would refer in this connection to the evidence of the Director of Lands, which would be found on page 115 of the report.

In view of the failure of the Ordinances of 1920 and 1921, further measures had been regarded as necessary which would take into account the habits and methods of the people. It was true, as stated in paragraph 33 on page 162 of the report, that Arabs had been dispossessed without the provision of other land for their occupation. This, however, was not the fault of the Administration, so far, at least, as its intentions were concerned, but to the slow working of the Ordinances to which he had referred.

As regards the grievances mentioned in paragraphs 34 and 35 on page 162 of the Shaw report, he would refer to paragraph 5 of the Statement (Annex 2), where it was stated that new legislation was in contemplation with the object of preventing Arabs from being dispossessed of their land. It was hoped by this means to avoid the creation of a landless and discontented class. Under the new law, there could be no transfer of agricultural land without the consent of the High Commissioner.

He could not accept the statement contained in paragraph 36 on page 162 of the report of the Shaw Commission that Palestine was unable to support a larger agricultural population than it had at present unless methods of farming underwent a radical change. This was merely



an expression of opinion on the part of the Shaw Commission, and a final view could not be expressed until the enquiry to be conducted by Sir John Hope Simpson had been carried out.

M. ORTS asked whether this class of individual, which was without land and discontented, to which reference was made in paragraph 35 and which constituted a "potential danger" for the country, was a large one.

Dr. Drummond SHIELDS said that he did not think that the class was numerous. The danger from this class was potential rather than actual. The creation of such a class was a sort of natural process. Tenant farmers were easily tempted to accept money and to remove from the lands which they had been cultivating. The money was soon spent and the landless tenant remained in the country. In so far as a landless class was already in being, it had been created mainly, as he had already emphasised, owing to the slow working of the Land Transfer Ordinances, and arrangements had since been made to prevent a continuance of this process.

M. VAN REES recalled what he had said at the beginning of the previous meeting. He had not taken part in the discussion on immigration and the land problem because he supposed that the enquiry to be made by Sir John Hope Simpson would cover the whole of these two points; or, in other words, that, in carrying out the enquiry, he would not merely accept as settled the conclusions of the Shaw report, but would endeavour to assure himself that they were well founded. Briefly, he supposed that Sir John Hope Simpson would make a new enquiry bearing on all the elements of his mission.

Dr. Drummond SHIELDS said that this was a correct view of the mission of Sir John Hope Simpson. He would go to Palestine with a free hand to investigate the whole problem.

M. VAN REES replied that, if this were so, he would only touch, while awaiting the results of the enquiry, on certain of the conclusions of the Shaw report which did not seem to him to be sufficiently justified.

As regards paragraph 32 of these conclusions (page 162 of the report), he would point out that the Shaw Commission had forgotten to say that the Land Transfer Ordinances of 1920 and 1921, for the protection of the Arab landed proprietors in the case of the sale of their lands, had not been fully applied, at the request of the Arabs concerned themselves; the Mandates Commission had been informed of this, amongst other things, during its fifth session. It was a pity that the Shaw Commission had omitted to consult carefully the annual reports of the Mandatory on Palestine and, above all, the Minutes containing the results of the examination of those reports. If it had done so, it would perhaps have been prevented from taking certain rather hasty conclusions.

The insufficient application of the Ordinances mentioned above could not be imputed to the mandatory Government, seeing that the Arabs, who considered that these Ordinances were intended to create difficulties for them in the sale of their land to the Jews, claimed that the Ordinances, though ostensibly intended to protect them, were really contrary to their interests.

The general impression given by Chapter VIII of the report, as well as the conclusions on pages 161 and 162, was that, under the terms of the legislation, which had not been suitably applied, the purchase of land by the Jews involving the eviction of Arab peasants had attained considerable proportions, to such an extent that it was necessary to put a stop provisionally to these purchases, while awaiting the results of the careful enquiry which the Shaw Commission proposed should be carried out immediately.

It was quite true that the eviction of the peasants had been given by the Arabs as one of the reasons for their resentment of the Jews. Was this complaint justified, or was it a mere pretext? There was no clear reply to this question in the report, which gave no indication whether the reasons for the aforesaid complaint had been carefully examined.

The report said, on page 113, that, according to the information of the Director of Lands, the land in Palestine which could be cultivated amounted to about 11,000,000 dunums.

In the first place, was this estimate the result of a detailed enquiry on the spot? No, since the Commission recommended that such an enquiry should be made.

Again, there was nothing which might give rise to so many surprises as the estimation of the extent of cultivable land in a territory and of the land still available, since the term *cultivable* was extremely elastic.

M. Van Rees would examine the figures given. On the same page 113 it was said that, of the 11,000,000 dunums available, 900,000 had been acquired by the Jews, or about 8 per cent. According to page 114, 10 per cent, or about 90,000 dunums, had been bought by the Jews from the Arab landowning peasants; the rest, or about 810,000 dunums, had been sold to the Jews by the absentee landlords.

It was clear that, if the first complained of having been obliged to leave their lands after having sold them, this complaint had no real basis. As regards the 810,000 dunums sold by the absentee landlords it would rather be to them, in the first place, that those farmers who had been obliged to leave their lands should address their complaints. It was therefore to them that the Arabs should complain. That was the first point to be noted.

Secondly, how many of the Arab cultivators had been victimised by the sale of land to the Jews since the latter had settled in the country? The report did not say. It merely gave, on pages 117 and 118, two figures relating to the lands in the Vale of Esdraelon, but gave no information as to the accuracy of either figure and did not give any total of the so-called victims.



Thirdly, how many of these farmers had been obliged to leave their lands without receiving any compensation from the Jews, who, moreover, were not obliged to grant it? No reply was given in the report.

Fourthly, what had been the reasons for the sale either by the peasant landowners or by the landlords? Neither was this question answered in the report, which, moreover, contained only more or less interesting statements, but did not deal with the substance of the question and, therefore, gave no indication as to whether the complaint in question was justified.

Dr. Drummond SHIELS said that M. Van Rees's statement showed that he had gone very deeply into this question. He asked whether M. Van Rees would be satisfied if he undertook to see that the questions raised by him were transmitted to Sir John Hope Simpson with a request that, if possible, they should be covered in his report.

M. VAN REES replied that this would satisfy him.

Lord LUGARD said that he had heard that certain Arabs owned very large estates, of which about 80 per cent was waste land or was not properly cultivated. If that were so, and if it were found possible to cultivate such land, at any rate, in part, by intensive methods, would it not be possible to find room for Jewish settlement upon them instead of turning out Arab smallholders?

Mr. LUKE replied that by far the greater part of the Jewish purchases of land had been made from big landowners, not from smallholders. He thought there were now few, if any, large Arab estates which were not pretty well cultivated.

Lord LUGARD asked whether it would be possible to make it obligatory upon the Arab owner of a large estate that, if he sold land upon which there were tenants or squatters, he should provide those who were expropriated with a holding elsewhere.

Mr. LUKE replied that part of the difficulty was due to the fact that there had been on some of the large Arab estates sold to the Jews numbers of tenants or squatters. At the beginning, the Jews might in places, as explained before, have been unable to cultivate the whole of the land thus acquired owing to the insufficiency of labour or other resources, and had accordingly felt no concern with regard to the squatters, whom they allowed to remain. As, however, with increasing resources, it became possible later on for these Jews to bring more of their land under cultivation, it had been found necessary to evict the squatters. That was at the root of some of the difficulties to which reference had been made.

Dr. Drummond SHIELS pointed out that the 1921 Land Transfer Ordinance contained the two following sections:

“Section 5. — (1) Any person wishing to make a disposition of immovable property must first obtain the consent of the Government.

“Section 8. — (1) The consent of the Government to a disposition shall be given by the Director of Lands or the Registrar of the District or Sub-District, who shall be satisfied only that the transferor has a title; provided that, in the case of agricultural land which is leased, he shall also be satisfied that any tenant in occupation will retain sufficient land in the district or elsewhere for the maintenance of himself and his family.”

Section 8 dealt with Lord Lugard's point.

Dr. Drummond Shiels had already explained the reasons on account of which these provisions had proved to be unworkable. He had said that the Government was trying to tighten up the application of the two sections of the Ordinance in question, so that it would be no longer confronted with the difficulties to which reference had been made. There were, of course, cases in which Arab landlords had been keen to sell, and, if offered a high price, had been tempted to part with their lands without reflecting upon the distant consequences. It might be that these sub-sections had not always been popular with Arabs who wished to sell lands. This would be one explanation of the difficulties of securing the application of the Ordinance.

Lord LUGARD said that his point was whether the onus of finding lands for evicted Arab smallholders could not be thrown in future on the big Arab landowners rather than on the Government or the purchaser as hitherto.

Dr. Drummond SHIELS said that he would look into this matter.

Mlle. DANNEVIG observed that the Shaw report stated that certain evicted Arab tenants could not be supplied with new land. Would it not be possible for these Arabs to be supplied with land in Trans-Jordan, where there was evidently land available?

Dr. Drummond SHIELS observed that this was a somewhat delicate matter. While it was quite true, he understood, that there was still land available in Trans-Jordan, the Palestine Arabs would be somewhat sensitive to any suggestion that a good method of advancing the Jewish National Home would be for them to move to Trans-Jordan, at any rate in any considerable numbers. They were attached to Palestine as their home country, and, while some might be prepared to move, the vast majority had not the roving instincts that characterised some of their fellows and certain other races with which he was familiar.

Mlle. DANNEVIG asked whether Trans-Jordan had not formerly been part of Palestine.



Mr. LUKE pointed out that, under the Turkish regime, Palestine had not existed as a separate entity. Trans-Jordan and Palestine had both formed part of the same Empire, but so also had the Yemen and the Hejaz. There had been no worse form of exile for a Turkish vali in disgrace than to be transferred to the Yemen or the Hejaz. It did not accordingly follow that, because Trans-Jordan and Palestine had formed parts of the same Empire, the Palestine population would be prepared to migrate to Trans-Jordan. While Trans-Jordan looked large on the map, it must be remembered that its cultivable area was smaller than that of Palestine. The greater part of Trans-Jordan consisted of steppes.

Lord LUGARD asked whether there was any objection to the Jews going to Trans-Jordan and reclaiming uncultivated land there by irrigation.

Dr. Drummond SHIELS pointed out that there would be a mandatory difficulty to this suggestion. Article 25 of the Mandate read :

“ In the territories lying between the Jordan and the eastern boundary of Palestine as ultimately determined, the Mandatory shall be entitled, with the consent of the Council of the League of Nations, to postpone or withhold application of such provisions of this mandate as he may consider inapplicable to the existing local conditions, and to make such provision for the administration of the territories as he may consider suitable to those conditions, provided that no action shall be taken which is inconsistent with the provisions of Articles 15, 16 and 18.”

Lord LUGARD pointed out that this stipulation was permissive to the Mandatory and not compulsory.

Dr. Drummond SHIELS reminded Lord Lugard that, in September 1922, the mandatory Government had made a declaration in view of the article which he had read, stating that the articles of the mandate referring to the Jewish National Home in Palestine would be inapplicable to Trans-Jordan. That declaration had been approved by the Council of the League of Nations.

Lord LUGARD said that he was well aware of this, and he was not suggesting the extension of the Jewish National Home to Trans-Jordan, but merely asking whether there was any restriction to immigration by individuals.

Dr. Drummond SHIELS supposed that there would be no objection to Jews going to Trans-Jordan individually or in small groups, provided that they conformed with the regulations in force in that territory. The Jews were, however, a gregarious people and preferred to keep together. Unless some system of organised settlement were made, it was hardly likely that they would wish to go to Trans-Jordan individually.

Lord LUGARD thought the point an important one, because it would afford additional possibilities for Jewish immigration.

Dr. Drummond SHIELS pointed out that there was a Legislative Council in Trans-Jordan and that it was unlikely that any great effort would be made to help Jewish settlers in the matter of the purchase and transfer of land. The suggestion was a possible one, but it had its difficulties.

M. MERLIN said he proposed to quote certain figures, but merely for the purpose of illustration. The figures before him showed that, out of a total population of approximately 920,000 Arabs, there were about 100,000 Bedouins and 820,000 other Arabs. This latter figure included 460,000 Arabs belonging to the agricultural population. It followed that there were some 300,000 Arabs who were not agriculturists. The figures also showed that the area of Palestine was 26,330 square miles, of which 11,500 square miles were cultivable. It seemed that, as the Jews occupied no more than 1,200,000 dunums — that was to say, about 1,200 square kilometres — there should be plenty of accommodation.

M. Merlin accordingly wished to know whether the anxieties expressed by the Arabs did not emanate mainly from the nomadic population, because they did not like to see land brought under cultivation, since that restricted the enormous areas they required for grazing their flocks.

Mr. LUKE thought he could answer M. Merlin's question to some extent.

He did not think it was the case that the anxieties expressed by the Arabs were the anxieties of a pastoral people fearing that the areas over which they roved would be invaded by agriculture. The greater part of the nomadic population of Palestine lived in the extreme south of the country in a region extensive in area but only cultivable in small patches. There was, too, a certain nomadic population in parts of the Jordan Valley. The anxieties that had been expressed came, on the whole, from the agricultural and not from the pastoral Arabs, though there were, of course, some exceptions to this generalisation.

The large number of Arabs, shown in the census neither as agriculturists nor as nomads, constituted the urban population of the towns and large villages.

M. SAKENOBÉ observed that, if there were no further lands available for occupation by new immigrants without displacing the present population, and if the Administration protected farmers now on the land against eviction, the natural consequence was that there would be little prospect for future agricultural immigration.

Mr. LUKE answered that this was a hypothesis which had yet to be tested by Sir John Hope Simpson. It was not necessarily the case that all existing Jewish colonies had absorbed the



maximum possible number of cultivators. For instance, as the growing of citrus fruits took the place of other forms of agriculture in the Jewish colonies, the land there would be able to support a larger population.

M. SAKENOBE pointed out that, even if new methods of intensive cultivation could be introduced, it would be many years before further agricultural immigration would be possible. Such a change of method of cultivation took many years to yield results, so that, as far as the land occupied by the Arabs was concerned, there would be very little prospect of further immigration for many years to come.

Mr. LUKE replied that, in regard to the change over from the present methods of cultivation to intensive methods, the Jews had the advantage of the Arabs owing to the assistance they received from their organisations and their employment of the co-operative system. As the Arabs saw the advantages of co-operation and could afford the necessary capital outlay to improve their methods of farming, it was hoped that they too would be able to introduce more intensive methods on the lines adopted by the Jews. This was, however, a question of time.

Mlle. DANNEVIG said that she had been told that in the north of Palestine there was a certain amount of land consisting of swamp or bog which could be made to absorb some 50,000 cultivators, but it would require a considerable outlay of funds for drainage.

Mr. LUKE referred Mlle. Dannevig to the statement on page 14 of the annual report for 1929 concerning lands in the neighbourhood of Lake Huleh, which were, he supposed, the lands she had in mind. He thought that the figure of 50,000 was exaggerated.

The CHAIRMAN said that, when he had been in the East, even the Turkish Administration had dealt with the question of agricultural credits. He would like to know what had been done since the war in that connection.

Mr. LLOYD replied that it was true that under the Turkish regime there had been a system of agricultural advances which had been financed from a  $1\frac{1}{4}$  per cent addition to the tithe. That system had been continued until 1924, and during the British administration there had been agrarian advances amounting to about half a million pounds. In that year the tithe had been reduced from  $12\frac{1}{2}$  to 10 per cent and the system consequently had been abandoned. The Shaw Commission had recommended that the Government should consider the reintroduction of the system, principally in order to enable the Arabs to take up intensive methods of cultivation and to provide for themselves during the transitional period. As was shown in the Statement (Annex 2), His Majesty's Government was now in consultation with the High Commissioner on that point.

M. RAPPARD asked why, when the Administration had an Agrarian Fund of half a million pounds, it was necessary to earmark part of the tithe for the agricultural credit bank; he would have thought that the fund could have paid its own way.

Mr. LLOYD did not think that the agricultural credit bank and the tithes had inevitably gone together. The bank had possibly been the excuse for the Turkish Government to increase the tithes. One of the complaints against the Government made to the Shaw Commission had been that, though it had financed its agricultural credits by maintaining the increased tithes, it had recovered the money advanced as credits. That was, to some extent, a legitimate complaint. The Government's answer was that, in many cases, it had remitted repayment of credits, and in other cases, where a particular area had suffered severely from drought or locust invasion, it had remitted the whole of the tithe, or paid for the removal of cattle to some other part of the country. The Government regarded these concessions as being in the nature of an offset to the money which had been repaid. The two things, however, did not hang together, and that was in one sense the reason why the Shaw Commission had recommended the reintroduction of the system of agricultural credits.

M. RAPPARD asked whether the system was not one of indirect agricultural subsidy as much as a system of agricultural credit.

Mr. LLOYD replied in the affirmative.

#### Measures taken by the Mandatory Power to provide against a Recurrence of Similar Events.

The CHAIRMAN noted that the Commission had completed its discussion on the events of August 1929. He therefore asked the accredited representative to explain his views on the steps taken by the mandatory Government in order to provide against a recurrence of similar events, and the policy which the mandatory Government intended to follow in order to give effect to the mandate for Palestine, and, in particular, Article 2 of the Mandate, and the steps which the mandatory Government contemplated in order to carry out this policy.

#### POLICE : MILITARY FORCES.

Dr. Drummond SHIELDS said that his first point concerned the police. The British police at the commencement of the disturbances had numbered 175. There had been an increase of



100 in September, following the disturbances, another 100 in October and another 200 in January. In January, Mr. Dowbiggin, the Inspector-General of Police in Ceylon, had arrived in Palestine. In this case the mandatory Government had anticipated the recommendation of the Shaw Commission to send an experienced police officer to Palestine to advise the Palestine Government, and had selected one of its best colonial inspector-generals.

Mr. Dowbiggin had made a very full and careful examination of the whole position, and his main report had arrived only a few days before the accredited representative had left London for Geneva. He had, however, presented a short interim report, and the mandatory Government had acted on that by approving the immediate appointment of seventy-nine additional British police, and one additional Palestinian police officer and 110 additional Palestinian police. The total number of British police now approved for service in Palestine was 650, as compared with 175 at the time of the disturbances.

In regard to the Jewish colonies, on Inspector-General Dowbiggin's recommendation, seventy-eight sealed armouries were to be established. This compared with seventeen at the time of the disturbances. In addition to the provision of sealed armouries, the Jewish colonies were to be divided into groups for the purposes of defence; in the majority of these groups there would be a permanent police post, and in most of these, if not all (Dr. Drummond Shiels was not positive on that point), there would be British police.

Further, additional transport had been authorised which would enable the police to have that mobility which was desirable and which would make it possible for them to be dispatched to various places with the minimum of delay. A programme of new roads had also been entered into, so as to provide easier access for such transport to the more isolated Jewish villages.

The two battalions which went to Palestine in connection with the disturbances were being retained in the country.

M. MERLIN asked whether there was no air force in the territory.

Dr. Drummond SHIELS replied that the air force establishment was the same as it had been at the time of the disturbances, but he would be glad to make a note of the question and to reply to it in detail later.

M. RAPPARD took it that all these new forces would be paid for out of the Palestine budget. His only surprise in regard to this very gratifying programme was the increase of the Palestinian police. If the Palestinian police, as such, were not to be counted upon, why had the force been increased by one officer and 110 men?

Dr. Drummond SHIELS said that the mandatory Government had not accepted the view, whatever justifiable criticisms might have been expressed against the Palestinian police, that it was to be taken as settled that it would be impossible to develop a satisfactory Palestinian police force. He thought it would be unfortunate for the future of the country if the mandatory Government were to take the view that police measures in future were always to be carried out by some alien race.

It had had considerable experience in various colonies of difficulties, not quite the same but comparable, and in Ceylon — whence Inspector-General Dowbiggin had come — there was a great admixture of races with certain antagonisms. Therefore, the Government had felt confidence in Inspector-General Dowbiggin's judgment that it should persevere with the Palestinian police.

It must be remembered that, in either a police force or a military force, tradition was a great thing, and that at the beginning, under new circumstances, without any traditions and any standards of honour, courage and gallantry to appeal to the rank and file, there were apt to be failures; but, as traditions were increasingly established, there would be increasing efficiency and an increasingly high standard. It was important, in looking towards the future of Palestine, that law and order should be maintained by the people themselves as represented in their own police, because, as he had hinted before, unless law and order could be maintained by the consent and will of the people of Palestine and with their approval of any measures which it might be necessary to take, it would be impossible to have that hopeful outlook which we wished to have.

M. VAN REES asked what was the proportion of Arabs and Jews in the Palestinian police force.

M. MERLIN assumed that very careful recruiting was necessary, that the organisation of the police would have to be carefully carried out and the members of the force well paid.

Dr. Drummond SHIELS said that the final proportions would be determined in the light of Inspector-General Dowbiggin's report. The report was very elaborate and covered some of the points which M. Merlin had mentioned. The present figures of the Palestine police proper (excluding the British section), as given on page 87 of the Palestine 1929 report, were 196 Jews, including officers, 841 Moslems and 257 Christians.



## INTELLIGENCE SERVICE.

COUNT DE PENHA GARCIA said that the Commission had gathered the impression that the mandatory Power had been taken by surprise by the outbreak, and also that, at that time, the police had been insufficient in number. Had any definite plan been made to deal with disturbances in future? Moreover, had anything been done towards strengthening the intelligence service?

Dr. Drummond SHIELS said that both these points were dealt with by Inspector-General Dowbiggin. The question of mobility was considered, as well as the intelligence service, which had been criticised. Mr. Luke associated himself to some extent with the criticism of the intelligence service, but, he understood, only as to its size, and that was certainly one of the matters which would be dealt with.

M. VAN REES asked if it was proposed to make the intelligence service part of the police force, or to do what had been done in Syria, where the High Commissioner had his own secret service, quite independent of the police.

Mr. LUKE replied that there were two intelligence services, the Criminal Investigation Department of the Police and the Intelligence Service of the Royal Air Force in Trans-Jordan.

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## NINTH MEETING.

*Held on Saturday, June 7th, 1930, at 10.30 a.m.*

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### Measures taken by the Mandatory Power to provide against a Recurrence of Similar Events (continuation).

The accredited representatives of the mandatory Power came to the table of the Commission.

#### POLICE : MILITARY FORCES (*continuation*).

M. RUPPEL said that it would appear that the police had numbered 175 at the outbreak of the disturbances. Since that time, several increases in the force had taken place which had brought the total number up to 650. He had understood that they were wholly British, but at the last meeting the Commission had been told that there were a number of Moslems and Jews in the police force. Was this the case? Secondly, had any change occurred in the district police forces which, according to the annual report, page 87, now numbered 1,299? Thirdly, the Shaw report stated, on page 168, paragraph (d), with reference to the special constabulary, that "the Palestinian Government should be instructed to enquire into and report upon the possibility of forming a reserve of special constables". Had any action been taken in this respect?

Dr. Drummond SHIELS replied that there seemed to be a little misunderstanding. The actual number of British police in Palestine at the outbreak of the disturbances had been 175. Two increases had taken place, each of 100 men, in September and October, and a further 200 in January. Inspector-General Dowbiggin had also recommended a further increase of seventy-nine and an increase in the Palestinian police of one officer and 110 men. The total of the British police now approved for the country was 650.

With reference to the formation of special constables, the following passage in the Statement (Annex 2) would reply to the question:

"The questions of improving the intelligence service and of establishing the reserve of special constables which had formed the subject of the recommendations in paragraph 53 on page 167 and paragraph 55 (d) on page 168 are being taken up with the High Commissioner for Palestine."

Mr. LUKE said that there was only one police force in Palestine divided into two sections, British and Palestinian, under the command of a single commandant. The number of Moslems and Jews in the Palestinian police force was shown on page 87 of the annual report.

M. RAPPARD asked what was the attitude of the Palestinian police during the disturbances. Had they mutinied, or had the authorities been so doubtful of their loyalty that no orders had been given to them?



Mr. LUKE replied that there had been no mutinies, but that events had shown that, while the Palestinian police were efficient in ordinary times, they could not be absolutely relied upon during an inter-racial conflict.

M. VAN REES enquired whether the attitude of the Palestinian police in 1929 had been more satisfactory than had been the case in 1921. The Commission would recollect that the Haycraft Commission, of which Mr. Luke was a member, had been especially critical of the conduct of the local police during the disturbances of 1921. Had any progress been achieved?

Mr. LUKE referred to the following paragraph on page 147 of the Shaw report :

“ Another witness in camera stated that, up to the time when fire was opened, the conduct of the local police was good and showed a marked improvement on their conduct during the disturbances of 1920 and 1921, but that when fire was opened and there was fighting at close quarters they were not to be relied upon.”

M. VAN REES remarked that the marked improvement in that case did not amount to much, since they were useless at close quarters.

Dr. Drummond SHIELS said that that was a matter of opinion. The Shaw report certainly said that the local police forces had improved. Although disappointing, it was not such a grave matter for policemen to fail in fighting at close quarters as it was for soldiers.

There had evidently been an improvement, and it was hoped that, by the building up of traditions and by recruiting a good class of men, future reports on the Palestinian police force would be completely satisfactory.

Mr. LUKE, in reply to a question put by M. Rappard, said that Arab and Jewish police did not quarrel among themselves.

Dr. Drummond SHIELS wished to reply to the question put at the previous meeting by M. Merlin concerning the air force. The air force had been increased and the present strength was as follows :

- 1 squadron day bombers ;
- 1 squadron army co-operation aircraft ;
- 1 company (4 sections) Rolls-Royce armoured cars.

He would desire to draw particular attention to paragraph 9 of the annual report for 1929, which stated :

“ His Majesty's Government take the opportunity of acknowledging with gratitude the ready help given by the French authorities in Syria in arranging during the critical week of the disturbances and for some time after, such tactical dispositions as made it impossible for lawless persons to enter Palestine from the north with hostile intent.”

The assistance of the French Government in Syria had been of great value.

M. MERLIN agreed that there were now sufficient forces in Palestine to cope with any fresh outbreak, should that unfortunately occur. This would only be so, however, provided that an appropriate scheme for the maintenance of order had been elaborated and that steps had been taken to ensure its immediate application in case of need. Such a scheme was especially necessary in the case of a city like Jerusalem, where outbreaks occurred suddenly, necessitating instant action. Much of the late disturbances might have been prevented had such a scheme been in existence.

Dr. Drummond SHIELS thanked M. Merlin. What he had said was sound common sense. The accredited representative felt sure that the Palestinian authorities realised the force of the points put by M. Merlin and he knew that a defence scheme was being worked out, if in fact it was not already in existence.

#### APPOINTMENT OF THE SPECIAL COMMISSION TO SETTLE FINALLY THE QUESTIONS RELATING TO THE WAILING WALL.

Dr. Drummond SHIELS, returning to the question regarding the Wailing Wall, said he would make the following observations :

As had been very clearly brought out in the discussions, and as the Commission knew from other sources, the Wailing Wall was one of the most important immediate causes of the disturbances. He thought it only right to point out that this subject had been a cause of difficulty from the beginning, and that His Majesty's Government had been very anxious for a Commission to be appointed which would lay down authoritatively the position in regard to the Wailing Wall, as well as that of other holy places, as provided in the mandate. It would, he thought, be agreed that the League of Nations had itself some responsibility in this matter, in view of the length of time that it had taken to appoint any Commission to deal with this subject.

It had been suggested that the local Palestinian authorities could have issued regulations, or more definite regulations, in regard to this matter which would have been effective, but



it was the opinion of those who understood the position that the Palestine Government — accused, as it had always been, by both sides of partiality — could not have issued regulations or authoritative statements in regard to this subject with any hope of their being accepted as a settlement of the controversies connected with it. They were, however, very glad that now, on the urgent representations of His Majesty's Government, the Council of the League had approved the appointment of an *ad hoc* Commission for the purpose of settling the matters connected with the Wailing Wall.

Dr. Drummond Shiels said he could assure the Commission that it was probable that decisions arrived at by such a high authority, and by such an obviously impartial one, would carry considerable weight and would very much strengthen the hands of the local Government in applying them. He trusted that, when those decisions had been taken, there would, in the future, be fewer causes for difficulty connected with the Wailing Wall, and that those decisions would definitely put an end to a condition of things which had always given rise to the possibility of trouble in the country.

The CHAIRMAN felt obliged to point out once more that the *ad hoc* Commission had nothing to do with the Holy Places Commission provided for under Article 14 of the Mandate, and did not in any way replace it. In any event, he did not think that the delay in setting up the Holy Places Commission was due to any fault on the part of the League.

M. PALACIOS agreed with the observation of the Chairman, which he thought was entirely just. In his view, the League of Nations could not in any way be held responsible for the delay in setting up the Holy Places Commission. On several occasions before the Mandates Commission and, in 1929, before the Assembly, M. Palacios had emphasised the importance of appointing this Commission.

The *ad hoc* Commission was not the Commission contemplated under Article 14 of the Mandate. That article stipulated that the Holy Places Commission should be appointed by the mandatory Power. The accredited representative of the mandatory Power might be asked what it had done to carry out this task since the Balfour Declaration of 1922. However, as this question had been discussed at length in October 1929, he would not insist on the point, although he wished to confirm his opinion on this very important matter.

M. VAN REES thought he had understood that the British Government considered that the Council was, to a certain extent, responsible for the delay in setting up the *ad hoc* Commission which was to examine the question of the Wailing Wall and to take a decision in the matter. He wished to point out that the Council had adopted its resolution on January 14th, 1930, and that the nomination of the members of the *ad hoc* Commission, who had to be appointed by the British Government, had not taken place until May 15th, 1930. If, therefore, there had been delay, the British Government, and not the Council, was responsible.

As regards the optimism which the accredited representative seemed to feel regarding the practical results of the decisions of the *ad hoc* Commission, M. Van Rees felt obliged to recall that, as soon as the Arabs heard of the proposal to set up this Commission, they had openly declared that they would not accept its decisions, no matter what they were, and that they considered the very fact of the appointment of the Commission as an injustice. This uncompromising attitude, therefore, did not seem to make it probable that the work of the Commission would give the results which the British Government appeared to expect from it.

Dr. Drummond SHIELS would reply first to M. Palacios. Any action taken by the mandatory Power in regard to the establishment of the Holy Places Commission had to be approved by the Council of the League. The mandatory Power had, however, never yet been able to obtain the Council's approval.

In reply to M. Van Rees, he pointed out that the delay to which he had referred was not with reference to the *ad hoc* Commission, but was the general delay in setting up any Commission at all. As far as the *ad hoc* Commission was concerned, there had been no delay by the British Government. M. Van Rees was well aware that time was necessary for correspondence with the Governments from whose nationals the members were chosen. It was hoped, however, that the Commission would proceed to Palestine next month.

In reply to M. Van Rees' further observations regarding what was expected of the *ad hoc* Commission, Dr. Drummond Shiels said that there might be two opinions. There was, he thought, good reason to believe that the results would contribute substantially to the establishment of peace in Jerusalem.

The CHAIRMAN pointed out that the British Government had always attached great importance to the Wailing Wall Commission. The question of the Wailing Wall, however, had only been one of the immediate causes of the disturbances, as the accredited representative himself had recognised. The underlying causes of the disturbances were quite different.

Mlle. DANNEVIG asked whether the British Government had repeatedly attempted to obtain the permission of the Council for the establishment of the Commission on the Holy Places as provided in Article 14 of the Mandate. Was it giving a good example to Arabs and Jews in Palestine to allow them to witness the difficulties raised by Christian Powers in regard to the appointment of this Commission?

Dr. Drummond SHIELS said that the third paragraph on page 26 of the Shaw report stated the position.



PRESS : RÔLE OF THE MUFTI OF JERUSALEM.

Dr. Drummond SHIELDS desired to continue his statement with reference to Press measures.

In the past, one of the difficulties of the mandatory Power had been to reconcile two desirable things — securing the freedom of the Press and preventing the Press from being used as a medium for instigating a condition of things likely to produce disorder and bloodshed. It was one of the unfortunate features of the Press of Eastern countries that scurrilous personal attacks on Government officials and others were all too common. He did not think there was anything so disheartening to Government officials who were trying to do their work conscientiously and well as to be made the targets in the local Press of venomous onslaughts which had no basis in fact. While, as he said, the mandatory Power was anxious to have in Palestine a Press with all the freedom that the Government would wish it to have, increased measures had been taken, in view of the fact that the standards of the Press there were not sufficiently high to permit of complete freedom. It was important to see that nothing should be published, at any rate without penalty, which was likely to prevent, or at least to imperil, the continuance of public order and safety.

The same applied to the question of sedition. This was also a subject which the mandatory Power found rather distasteful. It wished the people to have complete freedom of speech and to be able to express themselves freely, but there again some limit was necessary, and that was also being dealt with. The Government hoped that these two sets of measures to deal first with the Press and secondly with sedition would be effective in preventing those incitements which, he was afraid, had formed one of the causes of the recent outbreak.

Lord LUGARD enquired whether the scurrilous attacks on the Administration had been made both by Jewish and Arab papers or only by one or the other.

Dr. Drummond SHIELDS said that Mr. Luke, as he himself had been attacked in his capacity as Acting High Commissioner, was somewhat reluctant to reply to this question, but he would ask Mr. Lloyd to do so.

Mr. LLOYD said that he was unable to speak of the whole Press of the country, but only of those Press extracts put before the Shaw Commission as evidence. Of the attacks made upon Government officials in the Press extracts submitted to the Commission, the greater number had appeared in Jewish papers. The extracts from the Arab Press had shown that that Press had rather devoted itself to inciting the population on questions connected with the holy places, and on general political matters.

M. MERLIN said that it was obvious that peoples who were inexperienced in democracy were not ready for the full liberty granted to the citizens of an organised republic. Such peoples too often mistook liberty for licence, and indulgence on the part of the authorities as proof of weakness. It was consequently impossible to transfer Western principles and laws *in extenso* and immediately to such countries as Palestine. The mandatory Power must, *nolens volens*, restrict somewhat the liberty of free speech, for the dominant principle must always be respect for law and order.

Without upsetting the ideal of the West, certain restrictions in regard to the Press and in regard to the right of association were justified in Palestine, which belonged to the category of excitable countries in which the population could not be allowed the full freedom enjoyed in a Western democratic country. Every time, therefore, that an unjust attack appeared in the Press on an official, severe penalties should be imposed by the law courts, not so much upon the general editor of the newspaper, as upon the real authors of the attacks and upon the financial backers of the newspaper in question. Very heavy damages should be imposed so as to make it clear that such attacks would not be tolerated. M. Merlin did not wish to urge the adoption of dictatorial measures, for he was a convinced democrat of long standing, but it was useless to apply the principles of democracy blindly.

Dr. Drummond SHIELDS had listened with great respect to the wise observations of M. Merlin. He agreed largely with him, and he could assure him that what he had said would be taken into full consideration.

M. VAN REES entirely associated himself with the observations of M. Merlin. His own colonial experiences had shown him that such advice was good in such circumstances. He was in favour, therefore, of any effective action taken to prevent the excesses of the Press, and would congratulate the British Government on its move in this direction.

In order to clear up certain points, he would ask the following questions : Had the measures taken before and during the disturbances been sufficient to cope with such excesses? Was there in the Administration any special service which was responsible for supervising the Press? In reading the Shaw report, M. Van Rees had received the impression that the officials had been in complete ignorance of what was going on in Arab circles. Was this correct? Was there no one who was able to see the preliminary signs of what was going to happen, and whose duty it was to warn the Administration?

M. RAPPARD did not possess the colonial experience of his colleagues, M. Merlin and M. Van Rees. Why, however, should the Mandates Commission insist on the application of standards in Palestine different from those in force in Western countries? Surely the methods used in Europe to deal with the Press would have been sufficient to deal with the cases referred to in Palestine. Had such articles as had appeared in the Press of Palestine been published



in the newspapers of any European country, their authors would have instantly been brought into court. No change in the procedure seemed, therefore, to be necessary.

M. SAKENOBE would refer to the recent Seditious Offences Ordinance, in accordance with the terms of which all offences against the Government, Constitution and public order were made punishable. In regard to Palestine, however, there might be cases where persons living in adjacent countries might be engaged in the commission of such offences. These should be punished, or at any rate their endeavours frustrated. Had the Palestine Government, therefore, made any arrangements with neighbouring States or taken any measure in order to punish the persons in question?

The same Ordinance forbade and punished the publication of documents of a seditious nature and their possession, as also the publication of false rumours. Had the Government tried to prevent such literature from entering Palestine from outside?

Dr. Drummond SHIELDS, in reply to M. Van Rees, said that, before the outbreak of the disturbances, the legislation governing Palestine contained a number of provisions for dealing with the Press. The powers, however, had been discovered to be insufficient, and while — as he had said — the mandatory Power was always most anxious to grant as much freedom of speech as possible, it had felt compelled to strengthen those powers.

Mr. LUKE would reply first to M. Van Rees. Until the outbreak of the disturbances, the Administration had acted on the provisions of the Ottoman Press Law, which, as the Chairman would probably agree, was not a perfect instrument for the purpose. Events had shown that it was not sufficiently adaptable, and it had now been replaced by more appropriate legislation. He had already explained at the previous meeting the manner in which the Press was watched.

In reply to M. Sakenobe, he said that there was legislative provision prohibiting the entry into Palestine of undesirable publications. Action had in several cases been taken under this law.

M. MERLIN, with reference to the observations of M. Sakenobe, desired to quote the following letter which the Mufti of Jerusalem had written to the President of the Moslem Council of Beirut :

[Translation.]

“ Jerusalem, February 17th, 1930.

“ *To Sheikh Mustapha El Ghalaini, President of the Moslem Council of Beirut,*

“ Greetings ! And the mercy and blessing of God upon you !

“ We are much disquieted in regard to what is happening with you. You are demanding your rights and are defending your honour, and in doing so you are encountering insurmountable difficulties.

“ We feel sure that, when faced with these difficulties, your strength is fortified and that you will carry on the struggle to the end. The hearts of your brothers here beat in sympathy with your own. They unreservedly approve the efforts you are making to follow the straight road. *Since we have one interest, one common object, and since our hearts and intentions are in perfect agreement* [these words are underlined in the Arab text], your brothers wish to unite themselves entirely with you, in order to serve you and co-operate with you. If it is possible to help you in any way, please inform us and tell us the best manner in which we can perform the service you ask of us. I await your reply in order to calm our fears.

“ May the blessing of Allah be upon you !

(Signed) Mohammad Amin AL HUSSAINI,  
“ *President of the Supreme Moslem Council.*”

It appeared, therefore, that the Mufti of Jerusalem had incited to disorder, not only the Arabs in Palestine, but also those in other countries.

Mlle. DANNEVIG enquired whether the Mufti was a salaried official of the Palestine Government.

Mr. LUKE explained that the Mufti received emoluments from two sources. As Mufti of Jerusalem he was paid out of Moslem Waqf funds and as President of the Supreme Moslem Council he received an equal emolument from Government revenues. The two salaries combined amounted, he thought, speaking from memory, to 120 Palestinian pounds per month.

Dr. Drummond SHIELDS said that the reason why the Mufti received a salary from the Government was because he was head of the religious courts, which were part of the instruments of government.

Mr. LUKE repeated that he spoke only from memory, but that he believed that the Mufti's salary amounted to £P60 a month from the one source and £P60 a month from the other. He might, however, be mistaken as to the figures.

The CHAIRMAN remarked that the important point for the Commission was to know that the Mufti could not be considered as an official of the Government. He was not, in fact, appointed by the Government.



Mr. LUKE agreed that the situation was anomalous.

M. RAPPARD asked whether the election of the Mufti was approved by the Government. Could anyone be forced, as Mufti, on the Government by this method?

Mr. LUKE pointed out that the present Mufti was the first President of the Moslem Supreme Council, so that there had been no precedent for his election. His election had been effected under provisional regulations. The question of revising the regulations under which the Moslem Supreme Council existed at present was now under consideration.

M. RAPPARD assumed that, in the present state of public opinion in Palestine, the more nationalistic a person was, the more likely he was to be popular with the electors of the Moslem Supreme Council. If the present Mufti disappeared and his successor happened to be an extreme revolutionary, would the Government have no say in his appointment, and would it have to pay him his salary without taking any responsibility for his appointment?

M. MERLIN said that it was unnecessary to take even M. Rappard's hypothesis to see how singular the present situation was. The Mufti was not a Government official, but the Government had allotted to him a salary of £P720. In 1920, the present Mufti had been condemned to a term of several years' imprisonment for participating in the Jaffa disorders. Moreover, M. Merlin had before him a document, which came from a Jewish source, and which purported to be a photographic reproduction of the Black List of the Jerusalem police. The name of the present Mufti appeared at the head of the list.

The CHAIRMAN observed that the document to which M. Merlin had referred must either be a forgery or a true copy. If it were a forgery, the Mandates Commission would, of course, accept the accredited representative's assurance on that point. If, on the other hand, it was a true copy, the position seemed somewhat extraordinary. The Black List was a document which should be kept secret if any document was to be kept secret, but it had been communicated to the Mandates Commission by the opposition in Palestine; that was to say, the one party into whose hands it should never have been allowed to fall.

Dr. Drummond SHIELS, referring to M. Merlin's question concerning the letter of the Mufti to his co-religionists in Beirut, observed that the letter had been explained away as being merely a brotherly expression of sympathy. The High Commissioner in Palestine, however, had taken action in the matter and had communicated with the Mufti on the point. It should, however, be observed that no protest had been received from the High Commissioner for Syria.

As regards the relations between the Mufti and the Government of Palestine, it must be understood that the Supreme Moslem Council had certain functions entrusted to it; for instance, the control of certain religious endowments and of the Moslem Courts. It was for the exercise of these functions that the Mufti was elected to his post as President of the Supreme Moslem Council and drew a salary. Further, the revenues from the Religious Courts were paid into the general revenues of Palestine.

As to the document mentioned by M. Merlin, the Black List was, of course, secret and confidential, and, while it was unfortunate that this particular list was no longer secret and confidential, such leakages did occasionally happen, even in countries nearer Western Europe than Palestine. Many members of the Mandates Commission might be surprised if they came to scrutinise the Police Black Lists in their own countries, and the fact that a person's name appeared on a Black List did not necessarily mean that there was any definite accusation against him, but merely that he was a person with whose activities the police wished to keep in close touch. That being so, Dr. Drummond Shiels suggested that no exaggerated importance should be attached to that point, and he had no doubt that the true significance of the matter was realised by the Palestine Government.

As regards the question of negotiations between the Palestine Government and the Grand Mufti, no one who had any experience of negotiations in official life could fail to realise that it was not possible to take into account the past life of the other party, who had to be taken in his representative capacity. In saying that, Dr. Drummond Shiels was not associating himself with any remarks that had been made concerning the Mufti. He would leave the matter to the judgment of the Permanent Mandates Commission, but would add that, so far as official relations were concerned, the Mufti's conduct had been correct.

M. MERLIN explained that he had not made any protest against the Mufti's letter to Beirut. He was aware that the High Commissioner for Syria had not protested, and it was not for him to substitute himself for that important official. He had merely quoted the letter as forming part of a whole body of evidence showing what a strange person was this Mufti with whom the mandatory Government had to deal. M. Merlin fully realised that the Palestine Government was obliged to remain in touch with the Mufti as the elected representative of the Moslem Council. Nevertheless, he hoped that the rules adopted for the appointment of the head of the Supreme Council would be revised so as to give the mandatory Power more security.

Dr. Drummond SHIELS, in reply to M. Sakenobe's question concerning the possibility of dealing with seditious speeches and publications outside Palestine but referring to that country, saw no possibility of taking action except by prohibiting the introduction of such matter into the mandated territory.



M. SAKENOBÉ asked whether there was a system of censorship.

Dr. Drummond SHIELDS replied in the negative.

M. SAKENOBÉ observed that, if there was no censorship, how would it be possible to control the entry of such publications into Palestine?

Dr. Drummond SHIELDS, in reply to M. Rappard's suggestion that the rules normally applicable in Western countries would be quite sufficient to deal with scurrilous attacks in the Press on officials, observed that, in order to have the same standard in the Press in Eastern as in Western countries, it was necessary to have entirely different legislation, since, while it was possible to control the standard in Western countries by the form of legislation and the restrictions now customary in such countries, something more was required in Eastern countries. He understood that in France there was special legislation to protect officials against attacks in the Press. There was also, of course, the law of libel. He would ask M. Rappard, however, to consider what would happen if a Palestine official brought a case against some small newspaper which had no substantial resources. The whole course of the trial, with the business of cross-examination and the aspersions which might be thrown upon the administration, would have a most unfortunate effect from the point of view of government. It was therefore necessary, in Eastern countries, to have entirely different rules pending the improvement of the standard of the Press.

In reply to M. Rappard's other question, he observed that it was true that the attacks in the Press had not been made merely on officials but also by one party against the other.

M. RAPPARD, referring to the question of the Government's responsibility in the matter of the appointment of the Mufti, said that it seemed to him impossible for a Government to be obliged to pay a salary or emoluments to an individual of whom it did not approve. If that were the case in Palestine, steps should be taken to change the position.

Dr. Drummond SHIELDS said that the accredited representatives listened with great respect to any remarks which M. Rappard might make, and the substance of his observations would no doubt be taken into consideration.

Lord LUGARD said that he attached more importance to seditious incitements and to publications intended to embitter racial relations than to scurrilous attacks upon individual officials, and he asked whether the Jewish Press or the Arab Press had the greater responsibility for inciting the inter-racial attacks, which were described as being one of the immediate causes of the disturbances.

As to the Mufti, there were two distinct views in the Shaw report as to this man and his actions. Mr. Snell, in his minority report, took an entirely different view from that of the majority and condemned the Mufti's action. Which of these views did the British Government accept?

Mr. LLOYD, in reply to Lord Lugard's first question — and his answer again was subject to the proviso that it related only to the Press extracts which had been placed before the Shaw Commission — said that there could be no doubt that the greater part of the articles inciting on racial issues had been published in the Arab Press.

Dr. Drummond SHIELDS observed that it was not correct to speak of a minority report. Mr. Snell had signed the Shaw Commission's report, but had made certain reservations.

As to the Mufti's action, the view of the Government was that it must accept the two views set forth in the Shaw report as expressing two different opinions, and in the Statement (Annex 2) His Majesty's Government had said that they could not usefully offer any further comment on that question.

M. VAN REES pointed out that, after the troubles in 1920, a military tribunal had sentenced the Mufti to a number of years' imprisonment, which he had evaded by prudently retiring to Syria, and a little later the High Commissioner, Sir Herbert Samuel, had pardoned the Mufti, as indeed he was fully entitled to do. How had it come about that almost immediately after this pardon the Mufti had been elected President of the Moslem Supreme Council?

The CHAIRMAN asked whether the Mufti had been condemned for a crime under common penal law or for political reasons.

Dr. Drummond SHIELDS reminded the Commission that a number of sentences had been passed by the military court on Jews as well as on the Mufti. The pardon granted by Sir Herbert Samuel had been part of a general amnesty from which Jews as well as Arabs had benefited. The accredited representative thought that too much importance had been attached to the fact that the present Mufti had been convicted and sentenced. Many of the most distinguished statesmen in Europe to-day had appeared in the police black list of their countries and had been condemned and imprisoned, but now occupied positions of the greatest respect.

M. VAN REES thought that another person had been condemned by the military court in 1920 and had later been pardoned and immediately appointed to an important post. He thought he was right in saying that it was a certain Arev el Arev who, shortly after his condemnation, had been appointed head of the Beersheba district.



#### VARIOUS MEASURES.

Dr. Drummond SHIELS said that he would deal very briefly with the other steps taken to prevent similar occurrences.

He had already described the efforts made to meet the constitutional demands of the Arabs. As he had explained, the difficulty was that those demands could not be satisfied within the terms of the mandate. The British Government was, however, going into the question again and was seeking to devise some means of satisfying the Arabs' demands to some extent, and in a way which would make it possible to work them within the mandate.

There was no need for him to refer again to the mission of Sir John Hope Simpson.

As to the Land Transfer Ordinances referred to in paragraph 5 of the Statement (Annex 2), the idea was to ensure that no transfer of land would involve the creation of — or the danger of creating — a landless peasantry, such as it had been suggested had taken place to a certain extent in the past.

With regard to the improvement of the intelligence service, that was a matter which was now being taken in hand.

There was next the question of issuing a more definite statement in regard to British policy. The mandatory Government were awaiting Sir John Hope Simpson's report in order to make such a statement, so that the criticisms made with regard to a certain vagueness in some directions might be fully met.

He thought, therefore, that it might fairly be said that steps had been taken to guard against the recurrence of all the various causes which, in the opinion of the Shaw Commission, had led to the 1929 disturbances.

COUNT DE PENHA GARCIA wished to refer to the question of the repression of crime. A statement on page 7 of the annual report for 1929 showed that large numbers of Arabs and Jews had been brought before the courts and sentenced, for crimes committed during the disturbances of last year. What had been the reaction to these sentences? Now that the whole affair had died down, did the Jews and Arabs realise that the sentences had been just and pronounced in the normal course of affairs, or was there still a certain feeling of resentment against the courts and the mandatory Power?

Dr. Drummond SHIELS said that it would be difficult for him to give a satisfactory explanation with regard to all the sentences passed. But it would be observed that the High Commissioner, in commuting a number of death sentences, had done everything in his power not to exacerbate popular feeling. He had, however, found it necessary to allow the law to take its normal course in two or three cases where the circumstances were particularly bad. So far as Dr. Drummond Shiels knew, public opinion generally, both in Palestine and in Great Britain, approved the High Commissioner's decisions.

#### Future Policy of the Mandatory Power.

The CHAIRMAN noted that the discussion on past history and on the steps taken to prevent further occurrences of the kind had now been concluded, and said that at the next meeting the Commission would deal with the future policy of the mandatory Power. Unfortunately, what was past was past, but experience should have taught the mandatory Power enough to enable it to fix a line of conduct for the future.

Dr. Drummond SHIELS said that he greatly appreciated the Chairman's remarks. He wondered, however, whether the best form of procedure at the next meeting would not be for the members of the Mandates Commission to express their views on the policy of the mandatory Government and that he should then reply.

The CHAIRMAN observed that the normal procedure would rather be for the accredited representative to explain first of all the policy contemplated by His Majesty's Government. The members of the Commission would then express their views or criticisms.

Dr. Drummond SHIELS thought that he had fairly fully explained the future policy of the Government in the course of his various observations. It would certainly be a more agreeable procedure to him if he could have the advantage of the wisdom of the members of the Mandates Commission and could then express his appreciation of it.

The CHAIRMAN regretted that he, at any rate, was unable to regard himself as satisfied with the observations with regard to future policy made by the accredited representative hitherto. He thought that the Mandates Commission would, for instance, wish to know in what way the mandatory Government proposed to give effect to Article 2 of the Mandate, and what was its attitude regarding Articles 4 and 6. The Commission would also like to know what general lines of policy the mandatory Power would give to a new High Commissioner to carry out in future.

COUNT DE PENHA GARCIA pointed out that it was neither within the powers nor within the rights of the Mandates Commission to propose a plan for future policy. The Commission was only empowered to criticise the plans put forward by the mandatory Power.



## TENTH MEETING.

*Held on Monday, June 9th, 1930, at 10.30 a.m.*

### Causes of the Disturbances of August 1929 (continuation).

The accredited representatives of the mandatory Power came to the table of the Commission.

#### GENERAL OBSERVATIONS BY LORD LUGARD.

Lord LUGARD would like to express his great regret that he had been unable to attend the first three days of the session. He had, however, been able to read carefully the Minutes of the meetings at which he had not been present, and he found that one member or another had raised practically every point on which he would have wished to put a question. He did not want to waste time by asking questions which had already been asked and replied to, but he would like to put one or two questions to which he had found no clear answer.

First, as to the cause of the outbreak and the action of the Government. In the annual report (page 4) it was stated that the concluding months of 1928 were "characterised by political unrest", and on page 10 by "general uneasiness early in 1929 which culminated in August" in an attack on the Jews by the Arabs. Mr. Luke, in reply to a question, had said it was realised that an outbreak might occur at any time.

Many questions had been asked about the steps taken to strengthen the forces and he did not propose to raise that question again. But it seemed to him that the first thing that should have been done was to improvise a better intelligence service, if, as the Commission learnt, that service was deficient, and, above all, to make a careful search for arms. Count de Penha Garcia had raised the question of smuggling of arms, etc., but the important thing, as it seemed to Lord Lugard, was to search for and seize them, and to inflict heavy penalties upon anyone found in possession of arms without a licence. Such action would have had the general effect of a warning that the Government was alive to the situation and meant to deal firmly with it. Had any such search been made? Had the police full information as to persons in possession of arms? Had any been seized?

His second question referred to the Wailing Wall, which had been used as the final pretext for the outbreak, and as the culmination of the unrest. The Arabs had turned a disused house into a zawiya, and had broken a doorway through to the Wailing Wall. Could not some pretext have been found to check these actions which it was said had been done to annoy the Jews? Could not, for instance, the Director of Antiquities have intervened, and at least delayed these alterations?

With regard to the remoter causes which gave rise to the tension between Jew and Arab, such as the land question, taxation, immigration, etc., and whether the Mandatory had fully carried out its obligations under the mandate, an opportunity would arise in discussing the annual report to ask questions of detail, and there was only one which he would like to raise now in regard to immigration.

The policy of the mandatory Power — and it was agreed it was a wise one — was that the number of immigrants should be regulated each year or half-year by the economic capacity of the country to absorb them. It had been argued that the decision to suspend some 2,000 certificates had been based on purely political considerations, and was, therefore, a departure from the declared policy. It had also been asserted that the High Commissioner had agreed that, from the economic point of view, these permits could be issued. Lord Lugard fully appreciated the reason given for the action by the mandatory Power, but the fact remained that both Jew and Arab had attached enormous, and he thought undue, importance to this suspension, and he sincerely welcomed the hint which he understood the accredited representative had given that the embargo would probably be removed very soon.

No one, he thought, could have read the report of the Commission and the voluminous documents in connection with it without feeling that there was a lack of contact between the Administration and the Moslem community, due, it seemed, to the intransigent attitude assumed by the latter.

The Commission had a few days before received a letter signed by the Head of the Moslems in which he went so far as to condemn the mandate. It was clear that the local Government could not look for help from such a source. He would ask the accredited representative whether there were any leading Arabs — men of influence — to whom the Administration could look with confidence, and on whose loyalty it could depend, and whether, if there were such, it was not possible to put them in official positions where they could be of real assistance. It had been said the Amir Abdulla had been most loyal and helpful. Was it not possible



to utilise his influence with the Arabs in Palestine? King Feisal, as M. Van Rees had stated, had declared his goodwill towards the Jewish National Home. Had he no influence at all with his co-religionists in Palestine?

The Palestine Administration had adopted several protective tariffs. Did the effects of these, both their protective benefit and their disadvantage in raising the cost of living, fall equally on both races?

There were two small questions of detail.

It was stated that the fear of the Arabs that they would be bought out of their lands by the Jews and that a landless Arab proletariat would be created was one of the chief causes of the tension and the outbreak. Could the accredited representative say how many Arab tenants or smallholders there were who had been bought out and had not been provided with land elsewhere? Would he cause a careful census to be taken?

What was the Arab-Jew Agricultural Association? Was it possible to extend such associations with joint councils, as, for instance, joint chambers of commerce, etc.?

Finally, it seemed to him that, looking at the limited area of Palestine and the time necessary for converting waste land to intensive cultivation, a large proportion of immigrants must necessarily be absorbed in industries. Of these, an enormous number were springing up. Was the Administration taking any active steps to encourage them?

Dr. Drummond SHIELS said that he would first deal with the suspension of immigration. He had already referred to this matter very fully and he thought that Lord Lugard, in reading the Minutes of the Commission, would be able to discover the views of the mandatory Power. Dr. Drummond Shiels desired, however, to answer the suggestion Lord Lugard had made to the effect that the suspension of immigration had been dictated by purely political considerations.

Dr. Drummond Shiels wished to say that this was not so, and, in any case, the representations of the Arabs on the point had been based on economic grounds, namely, on the dispossession of the tenants and on the alleged inadequacy of the land available for the immigration taking place. A purely economic argument had therefore been used.

As Dr. Drummond Shiels had already pointed out at previous meetings, there was nothing new in this point, which had frequently been raised by the Arabs. He had shown that the reason why a special examination of the question had been made on this occasion was because the complaints of the Arabs had been supported, at least as far as the necessity for investigation was concerned, by the Shaw Commission itself, which had drawn the attention of the British Government to the importance of the matter. While the members of that Commission had not professed to be experts or to give a final decision, the Commission had said that the matter certainly required investigation.

Because of the fact that the Shaw Commission had emphasised the need for such an enquiry, the British Government had appointed Sir John Hope Simpson for that purpose. Having admitted, therefore, by the appointment of Sir John Hope Simpson, that there was a case for investigation, it had been mere ordinary wisdom and discretion to slow down the rate of immigration until Sir John Hope Simpson's report was received. Immigration had not been stopped and, even under the provisional arrangement, 950 Jews had been admitted. As Lord Lugard himself had pointed out, there was not necessarily any reason why, when the British Government received Sir John Hope Simpson's report, which would be forthcoming fairly shortly, the full numbers originally arranged for should not be admitted into Palestine.

In regard to the dispossession of tenants, Lord Lugard had asked for figures, and for more definite information. Dr. Drummond Shiels was unable to give those figures, because no records were available. As he had already explained, what had happened was that various Ordinances had been passed to deal with the matter. One had been a Land Transfer Ordinance, which had been found unsatisfactory, and had, in consequence, been followed in 1929 by a Protection of Cultivators Ordinance.

The difficulty of obtaining figures was due to the fact that transactions in land did not come to the knowledge of the Government until they were registered. Before registration took place, the cultivators had often disappeared from the area in question, and it had not been found possible, therefore, to obtain accurate information or figures as to the position, or even to carry out the purposes of the Ordinance to ensure that compensation was given, or that other land was available in the neighbourhood, etc. The reason why the Ordinances had not fulfilled their intended purpose was very largely because of the habits and practices of the people. Sometimes even before the transaction was completed, the fact that they knew it was going to be completed caused them to fold their tents and disappear in a night.

Estimated figures had been given for one area. On page 118 of the Shaw report, dealing with the Valley of Esdraelon, was to be found the estimate given by the Arabs of the persons evicted, namely, 8,730. The Jews had said in regard to that area that the number of tenants (which was a different figure because it did not include dependants or sub-tenants) had been from 700 to 800. Owing to the circumstances which he had now explained, it was not possible for the Government to take a census, for it was very difficult to discover the whereabouts of these people.

Mr. LUKE, in reply to Lord Lugard's question concerning the precautions taken, or not taken, by the Palestine Government, as the case might be, with regard to public security, and more particularly with regard to the checking of the illicit possession of arms in view of the dangerous



situation existing at the time immediately preceding the disturbances, said that it was perfectly true that the possibility of outbreaks had always existed. Trouble had always been potential, but that was a very different thing from trouble having always been imminent; and, although from the time of the incident at the Wailing Wall in September 1928 there had been a state, varying in intensity, of tension, it was not correct that it had been obvious that there would be an outbreak of the nature which took place in 1929.

In an Eastern country such as Palestine, and especially in a country to which so difficult and controversial a policy applied as in the case of Palestine, an outbreak was certainly always possible, but Mr. Luke submitted that there had been no obligation to assume in, say, 1928 that there was bound to be a disturbance in 1929. The question of the illicit possession of arms was to a certain extent an academic one in connection with these disturbances, because only a relatively small proportion of the injuries, mortal and otherwise, inflicted by Arabs on Jews during the disturbances were due to the use of fire-arms.

Lord Lugard had dealt with the alterations at the Wailing Wall, and had described them as having been undertaken by the Arabs for the purpose of annoying the Jews. In the first place, Mr. Luke wished to make it clear that the structural alterations in that neighbourhood were not made at the Wailing Wall itself, either on the pavement on which Jews are accustomed to stand on the occasions of their visits to the Wall for purposes of prayer or on that part of the Wall itself above, which was conterminous with the pavement, but to the north and south of the place at which the Jews were accustomed to worship. Nor was it a correct understanding of the position to say that these alterations had been made solely to annoy the Jews. That they had had that effect was evident. That they might have had partly that intention was indeed possible, and more than possible; but, as had been explained already, they were made also with the very definite intention of emphasising Moslem rights of property, which Moslems had thought were perhaps in need of being emphasised in view of what they regarded as the encroachments of the Jews.

Lord Lugard had enquired why the Palestine Government, or the British Government, had not invited the Emir Abdullah or King Feisal to use their influence with their co-religionists in Palestine towards a more sympathetic appreciation of the obligations imposed on the Mandatory under the first part of the Balfour Declaration. Mr. Luke submitted that that would have been tantamount to the British Government or the Palestine Government, as the case might be, inviting the sovereigns of other territories to reinforce with their advice, on persons not under their jurisdiction, a policy accepted and undertaken by the Mandatory and endorsed by the League of Nations.

Lord LUGARD pointed out that he had not enquired why the mandatory Government had not asked for their advice, but why they had not asked them to use their influence with their co-religionists.

Mr. LUKE ventured to say, with great respect to Lord Lugard, that it would be very difficult, and possibly even improper, for His Majesty's Government to invite foreign sovereigns to give advice of that sort. It would be difficult, and possibly improper, to do so even if those two sovereigns agreed with the advice that it was suggested they should give. It would be infinitely more so if they disagreed with the advice that it was suggested they should give. It would also, he submitted, be improper for the rulers in question, even if not asked, to take the initiative in interfering — because giving such advice would necessarily have the character of interference — with the political affairs of territories in no way under their jurisdiction.

In regard to Lord Lugard's point concerning the possibility of Jews and Arabs coming together in various ways, such as by co-operating in joint chambers of commerce and so forth, Mr. Luke observed that there were, in Palestine, chambers of commerce in which Jews, Christians and Moslems were jointly represented, notably, the Jerusalem Chamber of Commerce, of which persons belonging to the three faiths were members, and which had an excellent effect in bringing members of those faiths together on matters outside politics.

He might also make reference incidentally to a movement among certain Jews in Palestine, which had led to the formation of a body known as the Brith Shalom — which meant, he believed, "the Covenant of Peace" — the members of which were anxious for conciliation and co-operation with Arabs in the joint building up of Palestine.

In answer to Lord Lugard's question whether the protective tariffs operated equally for both races, Mr. Luke said that, though of course no discrimination was made in the tariffs, they, in point of fact, operated more directly in favour of the Jews. They were designed to help manufactures in Palestine, and, as there were more Jewish manufacturers in Palestine than Arab manufacturers, to that extent the tariffs affected Jews more than Arabs.

#### **Jewish National Home : Immigration and Land Settlement (continuation).**

Lord LUGARD asked whether the figures in connection with the Valley of Esdraelon referred to the total numbers evicted? What he desired to know was the total number of landholders or tenants evicted in Palestine who had not received land in compensation, and



consequently formed, or would presently form, the " landless class " to which the Commissioners referred.

Dr. Drummond SHIELS replied that such figures as were available were only estimates. So far as he understood them, they referred to people who had been evicted from the land and had received no land in exchange.

Lord LUGARD pointed out that, as both the Jews and the Arabs had made such a very strong point of this matter, it might be advisable for an enquiry to be made as to the number of landless men — that was to say, the men who had been evicted and had received no land in compensation, since the Shaw Commission had not made any such enquiry.

Dr. Drummond SHIELS replied that the main point was not so much the actual number of persons who had been dispossessed of their land, although, as he had said, the Arabs claimed that that number was substantial, but the fears for the future and the important consideration involved in the fears of the Arabs that the process of increasing immigration would constitute a danger to their community. The point was important not so much for the past as for the future, and he therefore thought that the Government, and probably the Commission itself, had considered that, as soon as attention had been called to this matter and to its importance, the best action to take was to guard against such a grievance being allowed to exist or increase rather than to consider the exact measure of what had happened in the past.

M. MERLIN pointed out that the problem of the sale of land by these means was not exclusive to Palestine. It existed everywhere. He himself had had to examine it in Africa. The natives, attracted by the prospect of being paid for it in hard cash, and of receiving what seemed to them to be considerable sums of money, often sold their land. It was desirable to put them on their guard against their own impulsiveness. Certain Administrations, moreover, required that no land should be sold by the natives to foreigners without their previous approval.

Dr. Drummond SHIELS replied that a new Ordinance based on these lines was under consideration in Palestine. The Administration was aware of the practice referred to by M. Merlin. In some British territories in Africa the transfer of land to incomers was not allowed at all.

M. VAN REES reminded the accredited representative that he had undertaken to lay before Sir John Hope Simpson certain questions of fact raised by M. Van Rees and later by Lord Lugard.

M. Van Rees repeated that he reserved his final opinion in regard to the land question until he had received the results of the new enquiry.

Dr. Drummond SHIELS said that he had already given directions on the lines of the promise which he had made to M. Van Rees.

M. ORTS regretted that it had not been possible to obtain information regarding the situation resulting from the eviction of the cultivators settled on the land acquired by the Jewish Agency.

The report of the Commission of Enquiry stated definitely in paragraph 33 that a large number of Arabs had been evicted without being granted lands in exchange.

Finally, in paragraph 35 it was said that :

" The position is now acute. There is no alternative land to which persons evicted can remove. In consequence, a landless and discontented class is being created. Such a class is a potential danger to the country. Unless some solution can be found to deal with the situation, the question will remain a constant source of present discontent and a potential cause of future disturbance."

The Shaw Commission stated that a large number of the Arabs who had been evicted were now deprived of land but it did not give any proof of this statement. Who was right and who was wrong ? This was what the Commission would like to know. If it were really true that such a class of people was being established, their existence would be a grave source of unrest. If M. Orts, however, had rightly understood Dr. Drummond Shiels, the Administration could not definitely state that this class of person existed at the present time. The Jews themselves declared that most of the evicted occupants of the lands they had bought had installed themselves on other lands and that only a small minority had not been able or had not wished to do this.

Dr. Drummond SHIELS suggested that M. Orts was mistaken in supposing that there was any doubt about the fact that the problem in question existed, or that Arab tenants had been dispossessed of land. The point, as he had already explained, was that the mandatory Power was not able to give the exact numbers of those persons. This, however, was a secondary consideration. Even the Jewish evidence, confined to one district, had admitted that between 700 and 800 Arab tenants had been dispossessed. If their dependants were taken into consideration, that figure would probably amount to between 1,000 and 2,000, or perhaps more. Even, therefore, from the Jewish side, there was no denial that the problem existed. The numbers and the accuracy of the figures, however, as had been said, were of secondary importance. It was the very existence of this situation and the suggestion that, as more Jewish immigrants continued to enter the country, dispossession must necessarily be increased that were important.



He submitted that, in regard to this matter, the Administration had taken action which was abundantly justified by the very facts themselves, even as admitted on the Jewish side. The accredited representative did not, therefore, think that it was either quite accurate or wise to maintain that the Mandates Commission was placed in a difficulty in regard to this matter, because it was impossible for it to obtain the exact figures to within 100 or even 1,000 of those who were dispossessed. The fact was that statements had been made to the effect that, owing to the system of immigration, land purchase and transfer, Arab tenants had been dispossessed. The Jews admitted it although they maintained that it was not so extensive as the Arabs proclaimed. The fact, however, that any dispossession had taken place constituted a problem which was bound to increase unless it could be adequately dealt with. It must, therefore, be taken in hand. This was a position which the Commission of Enquiry had been perfectly entitled to regard as one of serious consequence, and one to which it had a right to call the attention of His Majesty's Government.

M. ORTS said that the fact that a certain number of Arab owners had been deprived of their lands was not contested. How many of them had been unable to find other lands? Was there really a class of former cultivators who had been evicted from their lands; that was to say, had an appreciable number of individuals been reduced to this condition?

This was what it would have been interesting to know, in view of the statement of the Jews that, as a result of obtaining land for the evicted tenants, they expected to avoid the formation of a class of vagabonds living on public charity.

Dr. Drummond SHIELS said that he had already indicated that, in his view, it did not matter whether the so-called landless class was large or small. If it existed at all it was presumably on the increase, and that was a matter for the serious attention of the mandatory Power for two reasons; first, because it would be neglecting its duties under the mandate if it did not pay attention to this problem, and, secondly, because it was something which, if it developed, would be, and even was at the moment, a cause of fear to the Arabs and a danger to peace and good government. He would therefore repeat that the numerical strength of this class was a matter of secondary consideration.

There was, however, a certain amount of information contained on pages 118 and 119 of the Shaw report dealing with the case of the Wadi el Hawareth. The report stated:

“The persons (Arabs) occupying the lands which had been sold number about 1,200 and own between 2,000 and 3,000 head of stock. About one-third of the land is used for grazing purposes.”

Those who had bought the land had obtained an order which had allowed them to give notice to quit to the cultivators on October 1st, 1929. The police, however, had not enforced the order because there was no place to which these people could go, and when the Shaw Commission had left Palestine it had noted that no State or other kind of land had been discovered to which the persons evicted could have been transferred. This was dealing with the question on a large scale. There were, however, smaller cases which had helped to constitute a problem in other areas.

Dr. Drummond Shiels did not, therefore, think it was necessary to emphasise that, for reasons which he had fully explained, it was impossible to furnish accurate figures. The very existence of the problem in any form whatever, apart from the numbers involved, was a sufficient justification for all that had been said and all the action taken.

M. ORTS pointed out that, according to the Shaw report (page 119), the purchasers at Wadi el Hawareth had offered the evicted cultivators 5,000 dunums of land in the district of Beisan.

Dr. Drummond SHIELS agreed, but said that the report went on to state:

“We were informed that this land is irrigable but that the present occupants of the Wadi el Hawareth land know nothing of irrigation, and that, furthermore, the Beisan lands contain no grazing area.”

These people also possessed between 2,000 and 3,000 head of stock, so that, for both reasons, the land offered was not suitable.

M. VAN REES said that the question which was really exercising the minds of M. Orts and of himself was that the conclusions of the Shaw report gave a far more unfavourable impression than that to be gathered from the body of the report, on which presumably the conclusions were based.

The accredited representative had maintained that the Jews themselves realised the existence of the problem in question. The point of view of the Jews, however, did not appear to be exactly as Dr. Drummond Shiels had represented. They considered that the number of Arabs evicted was too small for the conclusions in the report to be regarded as justified. The views of the Jews on this point were contained in a pamphlet in which the following passage occurred<sup>1</sup>:

“Misleading allegations have been made concerning the eviction of Arabs from their holdings through Jewish land purchases. Where land was purchased from Arab peasant owners or from villages, the Arab cultivator was, as a rule, too poor in capital to derive any benefit from the large amount of land that he held. Such Arab cultivators generally

<sup>1</sup> *The Arabs of Palestine under British Mandate* (Documents on Palestine, No. 4, London, 1930), page 15.



sold land which was useless to them and retained a portion from which they derived an income, and used the money thus obtained for improving their condition. The purchase of land by Jews from fellaheen has very rarely led to peasants becoming landless. This fact was so apparent that the provision contained in the Government Ordinance of 1920 compelling the owner to retain sufficient land for his needs was abolished in 1929 as a result of the experience gained over a period of nine years, which showed that no such safeguard was necessary.<sup>1</sup> The major part of the purchases made by Jews have been confined to the large estates of absentee landlords. Under the Turkish regime tenants had no legal rights *vis-à-vis* their landlords. They could be summarily evicted without compensation. Their interests were first considered by the Jewish colonising agencies, which gave them compensation in every case of eviction and offered alternative land long before the laws for the protection of tenants were promulgated, and, indeed, prepared the way for these laws. In the Plain of Esdraelon, where the bulk of the pre-war Jewish colonising activities were centred, 700 Arab tenants affected by Jewish land purchases were given a total compensation of £30,000 and transferred to holdings elsewhere."

The reason why M. Van Rees ventured to criticise the report in this respect was that it appeared to him that the members had jumped to such grave conclusions as those set out on page 162 without having examined the facts sufficiently closely. He had no criticism to make of the steps which the Administration was proposing to take, but he wished to make it quite clear that, in his view, the Shaw report was far too definite in its conclusions.

The Jews, he would once more point out, did not admit that the question was of any particular importance and likely to lead to the establishment of an agrarian proletariat, thereby justifying certain fears on the part of the Arabs. He would also recall that the Shaw report stated that only one-tenth of the land bought by the Jews had been owned by peasant proprietors, the remaining nine-tenths having been sold by the Arab owners of large properties, most of whom did not live on their land.

Dr. Drummond SHIELDS did not think that there was very much difference of opinion between himself and the Commission. He was not concerned with any defects of the Shaw report on this point, nor was he prepared to maintain that the statements in it were accurate. Those statements might have exaggerated the extent of the problem, but the only point which the accredited representative wished to make quite clear was that the Commission of Enquiry had called attention to a problem which the British Government would have to take into account, both owing to their duties under the mandate and also in the interests of peace and good order in Palestine.

The action taken had consisted, up to the present, in the despatch of Sir John Hope Simpson to report on the whole question. When that report was received the final decision would be taken.

He hoped the Commission would not think that he had appeared before it in order to defend everything which the Shaw report said about the number of persons dispossessed or in regard to any other cognate matter. He thought that everyone would agree that, even from the Jewish side, the existence of the problem was admitted, and that therefore the Administration had proceeded along the right lines.

COUNT DE PENHA GARCIA observed that there was a psychological problem involved in the transfer of land from Arabs to Jews. It was essential in considering the question not to confuse terms like eviction, dispossession and expropriation. It must be remembered that, in Palestine, all lands transferred to the Jews had been acquired by sale; that was to say, Arab landowners had parted with them voluntarily. There could, accordingly, be no talk of expropriation by the Government. There was, however, the complication that the people who had sold their land to the Jews were the large Arab landowners, and their action had entailed turning their Arab tenants off the land. From the strictly legal point of view, however, there had been, in Palestine, neither expropriation nor dispossession.

This manner of procedure, while strictly legal, nevertheless entailed certain psychological consequences, since a person parting with his land always felt some resentment against the man who bought it, especially where it was bought by new immigrants coming into the country with new capital to support them and better methods of agriculture, so that the yield from the land was increased. It appeared that, although the Arabs had not been evicted, in that their lands had not been taken from them, they nevertheless feared the economic and political consequences of the Jewish acquisition of their former estates.

The report stated that there was much uncultivated land in Palestine, and, if that were so, would it not be possible to find there properties and work for evicted Arabs? However that might be, the transactions of the Jews in this matter had been entirely legitimate, and Count de Penha Garcia considered that the mandatory Power had fulfilled its obligations under Articles 2 and 3 of the Mandate. It was only in regard to the first part of Article 2 that the mandatory Power had experienced difficulty, because, under that provision, it was required to establish the Jewish National Home; but this obligation had given rise to ever-increasing anxieties on the part of the Arabs. It was accordingly obvious that the mandatory Power must find some means of conciliating Arab anxieties in this matter, since otherwise the mandate might become unworkable.

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<sup>1</sup> See the first paragraph on page 117 of the Shaw report.



Dr. Drummond SHIELDS agreed that there was a great deal in what Count de Penha Garcia had said. His statement justified the British Government in sending out Sir John Hope Simpson to go into the facts.

Lord LUGARD summarised the point of view of the Mandates Commission as follows : According to the Shaw report, numbers of Arabs had been evicted without provision of land for their occupation and a landless class had been or was being created. The Jews, on the other hand, alleged that the purchase of land from the fellaheen had rarely led to any persons becoming landless, and that in every case alternative land had been offered in compensation. Was that allegation true ? If it were untrue, the fact should be proved. It was a very important point for the Mandates Commission to consider in coming to its final conclusions. If it were impossible for the accredited representative to give a full answer at the present session, Lord Lugard suggested that Sir John Hope Simpson's attention should be drawn to the point.

M. RAPPARD observed that the Commission had been discussing this question on the basis of governmental policy. It was obviously a dangerous policy for an administering Power to allow immigration that might lead to certain internal perturbations. Nevertheless, it was the Commission's duty — in fact, its main, and almost its sole, duty — to see whether the mandate was being carried out. There were several provisions in the mandate which contained affirmative provisions, for instance, Article 2, reading :

“ The Mandatory shall be responsible for placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish National Home, as laid down in the preamble, and the development of self-governing institutions, and also for safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion.”

It was neither a civil nor a religious right to be a peasant, to have land, and that fact did not limit the duty of the Mandatory to place the country “ under such political, administrative and economic conditions as will secure the establishment of the Jewish National Home ”.

Article 6, again, said :

“ The Administration of Palestine, while ensuring that the rights and position of other sections of the population are not prejudiced, shall facilitate Jewish immigration under suitable conditions and shall encourage . . . close settlement by Jews on the land.”

What had the Government done in the course of ten years to place the country under “ such political, administrative and economic conditions as would secure the establishment of the Jewish National Home ”, to “ facilitate Jewish immigration under suitable conditions ”, to “ encourage, in co-operation with the Jewish agency referred to in Article 4, close settlement by Jews on the land ”, and, in accordance with Article 11, to “ introduce a land system appropriate to the needs of the country, having regard, among other things, to the desirability of promoting the close settlement and intensive cultivation of the land ” ?

It seemed to M. Rappard that the mandatory Power had somewhat lost sight of the very peculiar duty which it had to fulfil in Palestine. In every country, the Administration must see that no landless, dangerous and discontented class was established ; that would be true, and that was true, in all other mandated territories, and it was true in every other country. Even in countries, however, where there was no special duty to encourage immigration and the close settlement on the land of people not previously resident in the country, provisions were not imperative upon the Government to prevent the kind of eviction that had taken place in Palestine.

M. Rappard's feeling was that, if the matter were looked at quite impartially from the point of view of the mandate as it stood (and that was the law in this matter), the Government's method of encouraging immigration had been to limit it, and that they had practically done nothing concrete, so far as M. Rappard could make out, to encourage close settlement by Jews on the land. The Government had not prevented it, but he did not see that they had taken any positive action to encourage it, and that was why he understood the protest of the Jews, who declared that the mandate was not being carried out. The Arabs, of course, were discontented also, but they were discontented primarily owing to the existence of the mandate. The Mandates Commission, however, was not competent to discuss the existence of the mandate, but only its application.

Dr. Drummond SHIELDS, in reply to Lord Lugard's question concerning the landless class, said that the British Government did not accept either the Jewish side or the Arab side about this matter, or even the Shaw report. It was quite unnecessary to draw Sir John Hope Simpson's attention to the matter, because that was one of the principal objects of his going to Palestine, and, of course, the mandatory Government must await his report before they could tell whether what the one side had said or what the other side had said was accurate, or what the Government were going to do about it.

M. Rappard had raised some very big and difficult questions, questions which were very much a matter of opinion. He seemed to sympathise with the Jewish point of view, that the Mandatory had not vigorously pushed the policy of the Jewish National Home.



M. RAPPARD pointed out that he had been speaking of the mandate. It was not a matter of sympathy, but of the application of the mandate.

Dr. Drummond SHIELS replied that the Jews, at any rate, said that the Mandatory had shown a lack of sympathy because it had not applied the mandate ; so that it came to much the same thing. His point, however, was that every year since Great Britain had had the mandate, the first question which the accredited representative to the Commission had had to answer had been, "What measures have been taken to place the country under such political, administrative and economic conditions as will secure the establishment in Palestine of a National Home for the Jewish people ?" That question had been answered every year by the accredited representative, and Dr. Drummond Shiels was not aware that the Mandates Commission had ever accused the British Government of neglect of duty in carrying out one part of the mandate. He, for his part, would hesitate very much to accuse the Mandates Commission, with all the information it had before it, of having neglected its duty by not calling the attention of the mandatory Power to the fact that the latter had not been carrying out part of the mandate. He felt, therefore, that, if there was any truth in this matter at all, it might perhaps have been mentioned on some former occasion.

He did not, of course, accept that position at all. He considered that the facilities which had been given to the Zionist authorities to bring Jewish people into Palestine, the provision of a special department to deal with the question, and the opportunities which they were given by the co-operation of the Agency, had afforded the Jews every opportunity. It must be remembered that the Jewish Agency had very large and powerful resources behind it. What it really required was the opportunity to use these resources. It had always accepted the provision, laid down in 1922, that the number of immigrants was to be according to the economic capacity of the country to absorb them. It had always had full numbers to meet that capacity, and the Jews had been admitted according to the views of the Administration as to the proper figure.

What did M. Rappard suggest the Mandatory ought to have done in order further to carry out that part of the mandate? In this matter it must never be forgotten that there was another side to the mandate, and if a person was very sympathetic to the idea of a Jewish National Home, and was very keen on pushing it, he was very apt to concentrate his gaze entirely on the one side and to forget the other. The same thing happened on the other side, and what had always seemed to the accredited representative to be of the greatest significance, in regard to the criticisms of the mandatory Power, was that they came equally strongly from both sides. That, he thought, was a very satisfactory position, because it showed that there had been approximate success at least in dealing fairly with both sides.

M. RAPPARD resented his observations being attributed to any particular sympathies with one side. It was the Mandates Commission's duty to see to the application of the mandate, and M. Rappard's sympathies were given equally to all the inhabitants administered under the mandate. It was not at all a matter of sympathy. He was simply taking the mandate and examining the grievances of both sides, and asking himself which grievance was justified by the terms of the mandate.

He had asked what measures the mandatory Power had taken to facilitate Jewish immigration, to encourage close settlement by Jews, and he had been told that the mandatory Power had allowed the establishment of a Jewish Agency. That was so. The Jewish Agency existed under the terms of the mandate. An Arab Agency had also been offered, and M. Rappard had no objection to that ; but the recognition of the Jewish Agency in itself was no positive contribution. He had also been told that an Immigration Department had been established ; but every country had an immigration department ; the main object of the Palestine department, however, was to restrict immigration. There was no indication of a desire to facilitate it.

The fact of immigration having been allowed, and having been carried on, thanks to the large resources of the Jewish Agency, was no merit of the mandatory Power. Those resources had not been gathered at the request of the mandatory Power, although it so happened that they had been made available, and had naturally been applied. Even if there had been no policy for a Jewish National Home, any organisation that collected resources and poured them into the country would be welcome to any mandatory Power.

M. Rappard, accordingly, did not see in anything that had been said the expression of a positive desire to do what the mandate expressly required. The fact that criticisms had come from both sides, though reassuring to the accredited representative, seemed to M. Rappard to be a fact which, if undoubted, was not at all significant. The grievances of the Jews were that certain provisions of the mandate were not being carried out. The grievances of the Arabs, which M. Rappard fully understood, and with which, if he were an Arab, he would associate himself, were not so much that the mandate was carried out, as that the mandate itself was wrong and was based on a principle which was incompatible with the national aspirations of the Arabs. That, however, was no business of the Mandates Commission, whose only task was to see that the mandate was carried out ; therefore, the fact that both sides were discontented, far from reassuring the Commission, was a circumstance that called for peculiar vigilance and discrimination in the examination of grievances.

Dr. Drummond SHIELS said that he had not associated M. Rappard personally with what he had said about those who were very sympathetic with the Jewish case. He knew M. Rappard well enough to know that he looked at both sides.

In the case, however, of an organisation like the Zionist Organisation, which had large resources, was full of activity and zeal, and was anxious and willing to carry on the work of



immigration itself, it seemed rather superfluous for the Palestine Government to undertake any of that work; and all that the Jewish authorities, so far as the accredited representative understood, had asked for in that connection had been facilities and opportunity.

The only real grievance of the Zionists that he had ever heard of was in regard to the allocation of State lands. They had said that, if the Government were vigorously and positively pushing the Jewish National Home, it would adopt ways and means to see that the State lands, which, Dr. Drummond Shiels thought, were actually mentioned in the mandate, were made available. The Government had answered that complaint over and over again by saying that, owing to the peculiar conditions that had existed under the Turkish regime, it was very difficult to find out the actual ownership of particular parts of land. A survey had been going on for some time, and endeavours were being made actually to define what was State land and what land could be disposed of without infringing the legal rights of others, which were very ill-defined in many parts of Palestine, because in some cases evidence was not documentary but was very much a question of use and wont. The Government therefore said that it had not refused to give that land from any want of sympathy, but simply because it was not in a position to do so. He had heard no other complaint from Zionist authorities that the Government had not tried to carry out the mandate in a proper way.

Every year the accredited representative had answered the Commission's question what the mandatory Power had done to carry out the policy of the Jewish National Home, and, so far as Dr. Drummond Shiels was aware, this was the first occasion when it had been suggested by any member of the Mandates Commission that the mandatory Power was failing to carry out one side of the mandate.

M. VAN REES wished to return to the last point which Dr. Drummond Shiels had raised in the observations he had just made. The accredited representative had been surprised that certain members of the Mandates Commission had expressed doubts on the way in which the mandate had been applied, and had suggested that no such doubts had been expressed previously.

M. Van Rees would first point out that a careful study of the Minutes of the Commission could not fail to give a contrary impression. Likewise, in certain of its reports to the Council, the Commission had touched on this matter. It was true that it had done so in very discreet terms, in order to avoid increasing the difficulties experienced by the mandatory Power in the fulfilment of its task. M. Van Rees had, at the beginning of the sixth session, drawn attention to the way in which certain clauses of the mandate were applied. He had, for instance, mentioned Article 7, referring to the establishment of Palestinian nationality and the measures to facilitate the acquisition of Palestinian citizenship by Jews. The application of this article, as well as that of the other clauses to which he had referred, was certainly not being discussed for the first time at that meeting.

Moreover, it must not be forgotten that, during its previous sessions, the Mandates Commission had not had at its disposal such abundant information as was now available, thanks to the Shaw report and the documentation from all kinds of sources which it had called forth. It did not, therefore, seem surprising that certain members of the Mandates Commission were led to give more attention now than formerly to the way in which the mandate was applied. M. Van Rees would emphasise, moreover, that the Mandates Commission had always shown great prudence in more than once leaving somewhat in the shade the practical effect of certain provisions of the mandate. It had done this, not because it was convinced that this effect was in accord in all respects with the spirit and letter of the mandate, but because it had considered it its duty, in principle and as far as possible, to facilitate the execution of the delicate mission which had been entrusted to the mandatory Power. It seemed difficult to infer from this that the Commission had been diverted from the line of conduct which it had laid down, when it was not at the moment examining an annual report but studying a serious problem which it had been instructed to examine in all its aspects.

Dr. Drummond SHIELS wished first to answer the point raised by M. Van Rees in regard to the 1925 Ordinance. In that connection he would point out that it was easier for a resident alien to get Palestinian citizenship than to obtain naturalisation in any other country. It was true that the 1925 Ordinance contained no special provision in favour of the Jews by name, but that was because the mandatory Government had been advised by the highest legal authority that that would be contrary to the non-discrimination clauses, or at least to the spirit, of the mandate. The Ordinance did, however, give immigrants, of whom the great majority were Jews, exceptional facilities for naturalisation, and was therefore, in his view, an adequate response to the requirements of the mandate.

In regard to the views of the Commission as to the method and spirit in which the mandatory Power was carrying out its duty, that, of course, was a matter for the Commission itself to decide. Dr. Drummond Shiels had not been aware that the Commission, or any substantial number of its members, had hitherto been dissatisfied with the way in which the British Government were carrying out their mandate, and that their failure to express that feeling had been simply due to consideration of the mandatory Power's difficulties. He appreciated the consideration that had been shown, but he had, however, tried at the present session to justify the attitude of the Mandatory. He had endeavoured to show that, while the mandatory Government had been quite free in admitting that mistakes might have been made, their spirit and purpose at least had been to carry out the mandate in all its implications, conscientiously and sincerely.



If the Permanent Mandates Commission, in view of all that he had said, in view of the evidence before it, cared to say that such was not its opinion, that, of course, was its concern, and the accredited representative would make no further comment on the point. He would not ask it not to do so. He would simply ask it to take the facts as they were before it, and the information which he had tried to place before it, and to give its opinion according to its full belief, whether it was in favour of or against the mandatory Power. He asked for no consideration.

### **Payment of Claims for Compensation in consequence of the Disturbances.**

The CHAIRMAN said that, according to the annual report, the claims for compensation in consequence of the disturbances had originally amounted to £1,200,000 and then had been reduced to £180,000. On what basis had the Government eventually reduced the amount to £100,000?

Mr. LUKE called attention to the statement in regard to compensation paid by the Government on page 9 of the annual report for 1929.

The CHAIRMAN asked whether the reduction had been effected by a mixed Commission or by a Commission of Government experts.

Mr. LUKE replied that the sum of £100,000 to be paid as an act of grace had been the entire amount made available for that purpose. The assessment had been placed in the hands of Government officers.

The CHAIRMAN asked on what basis the sum had been divided between those concerned.

Mr. LUKE answered that the assessment had been most carefully carried out by a Government officer entrusted with this duty and his assistants, and that the applicants had received ample notice of the time-limit for presenting their claims and full information as to how the claims were to be put forward. Their claims had been very carefully considered, and the full amount of the assessment allowed had been £180,000, which sum had been reduced to £100,000, as that was all that had been made available for the purpose.

The proceeds from the collective fines would go to the general revenues of the territory. It was improbable that the total proceeds would in any way equal the amount paid out by the Government by way of compensation and, in any case, the payment of the fines would be spread over a number of years.

The CHAIRMAN asked how it had been thought possible, when the amount of the claims had already been reduced by the Government assessor to £180,000, to reduce it still further to £100,000. If the Government had considered the payments just, they should have been made in full.

Mr. LUKE reminded the Chairman that he had said that these payments had been made as an act of grace.

The CHAIRMAN thought it would be an act of justice.

Mr. LUKE said that it might be an act of moral justice, but the Government did not accept the view that it was under any legal obligation to pay compensation.

Dr. Drummond SHIELS asked permission to hand in a memorandum by Mr. Lloyd in reply to the statement made by M. Van Rees at the fifth meeting and asked that it might be printed with the Minutes of the session.

*The Commission agreed (see Annex 3).*

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### **ELEVENTH MEETING.**

*Held on Monday, June 9th, 1930, at 3.30 p.m.*

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### **Future Policy of the Mandatory Power (continuation).**

The accredited representatives of the mandatory Power came to the table of the Commission.

Dr. Drummond SHIELS spoke as follows :

Mr. Chairman, — I have been asked to make a statement at this — what I understand to be — the final meeting dealing with last year's disturbances in Palestine.



I think it will be agreed that we have had full discussion on the events before, during and after the disturbances. We have further gone into the questions of the immediate and underlying causes of the outbreak of last August, and I have tried to put before the Commission the views of the British Government on the relative importance of the different factors involved.

The very difficult subjects of land and immigration have also been before us, and we have seen that these have a special importance, not only from the point of view of peace and good order, but also in the carrying out of the specific directions in the mandate itself.

During the various meetings, and in the course of discussions on what is being done to prevent a repetition of the deplorable events we have been considering, I have had the opportunity of indicating the policy of His Majesty's Government under various heads.

I understand, however, from what the Chairman has said — and from other observations — that the members of the Commission are not fully satisfied with the information they have received in regard to future policy, and that they would like me to-day to deal more comprehensively with it.

I believe that the difficulty of some members arises from a misunderstanding of some importance. They are under the impression that the events of last August have led His Majesty's Government to decide that a new policy in regard to Palestine is necessary. That being so, those members are saying: "What is the new policy? We wish to be informed, so that we can say if we think it wise or not." They do not like to feel that the accredited representative is going away with some secret undisclosed.

Or, alternatively, they say: "There is going to be a new policy, but the British Government have not yet made up their minds about it, and this is not only a reflection on the British Government, but it puts the Mandates Commission in an awkward position".

To those members who have felt these things, I want to say quite clearly and definitely that there is *no* new policy; there is no secret to be disclosed, and that the British Government stands to-day where it did when it accepted the mandate, and its policy is the same.

Certain things are being considered with a view to carrying out that policy more effectively, but there is no mystery about them, and the decisions on them will, as I have already stated, be communicated to the Mandates Commission in due course.

We do not consider that the events of last August — deeply regrettable as we feel them to be — prove that the general lines of our Palestine policy are wrong, or require revision.

The report of the Shaw Commission and our own investigations have called attention to certain aspects of the application of our policy where improved methods or different arrangements seem to be required. Already, we have been able to carry out some of the changes that appear desirable.

Realising the first importance of defence and public order, we took immediate steps to secure a bigger margin of safety and to make such new dispositions as the best advice dictated. I have had the privilege of putting the details of these arrangements before the Mandates Commission, and I am sure it will agree that — so far as military and police forces can secure and maintain public order — we have every reason for confidence in the future.

The mandatory Government has also made legislative provisions to prevent the disturbance of public order by inflammatory utterances in the Press. Full freedom of proper criticism and expression of public opinion will be permitted, but there are limits in this sphere of publicity and criticism, and those have been too frequently overstepped in the past.

In the same way the Government is dealing with the cases of those who foster sedition and who are active in unconstitutional propaganda against authority.

I have also explained that, pending any changes of procedure following Sir John Hope Simpson's report, we are taking temporary measures to meet criticisms in regard to land transfer and to fulfil other purposes.

The future importance of the appointment of the Wailing Wall Commission I have already emphasised.

The application of our policy will, we trust, be made more effective by these new arrangements, but the policy itself will not be changed. That policy is to carry out the directions of the mandate, and in particular Articles 2 and 6.

I might, in this connection, revert to what was said this morning of the Jewish Home aspect of the mandate. It was there rather suggested — what, indeed, is openly stated by many of the leading advocates of the Jewish case — that the Jewish National Home injunction is a positive one and requires vigorous action on the part of the mandatory Power, whereas the Arab side is negative and requires only a mild contemplative attitude on the part of the mandatory Power. This contention is, however, very seriously disputed by the advocates of the Arab case and, indeed, by many who consider themselves not partisans at all.

It must be remembered that there are 750,000 Arabs in Palestine as against 150,000 Jews, and it must be obvious that it requires not only vigilance, but at times constructive and positive action, to carry out the duties enjoined on the mandatory Power in Articles 2 and 6 as regards the Arab side. It is a dangerous line to take to suggest that the mandatory Power should be



more active and positive in connection with one section of the population than in connection with the other.

It must also be remembered that it is in the best and ultimate interests of the Jewish people and of their National Home that the Arabs should feel that the mandatory Power is as solicitous of their interests and welfare as of those of the newcomers to Palestine, whom they are also called upon to help and protect.

The official and considered view of the Government has been given in my first statement (Annex 2). It quotes the Prime Minister of Great Britain, who made a statement in the House of Commons on April 3rd, 1930, as follows :

“ His Majesty's Government will continue to administer Palestine in accordance with the terms of the mandate as approved by the Council of the League of Nations. That is an international obligation from which there can be no question of receding.

“ Under the terms of the mandate, His Majesty's Government are responsible for promoting the ‘establishment in Palestine of a National Home for the Jewish people, it being clearly understood that nothing shall be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine or the rights and political status enjoyed by Jews in any other country’.

“ A double undertaking is involved, to the Jewish people on the one hand, and to the non-Jewish population of Palestine on the other ; and it is the firm resolve of His Majesty's Government to give effect, in equal measure, to both parts of the Declaration, and to do equal justice to all sections of the populations of Palestine. That is a duty from which they will not shrink, and to the discharge of which they will apply all the resources at their command.”

As regards Article 3, my Government will, as I have indicated, continue to encourage the development of municipal and local self-governing institutions.

As regards Article 4, the general policy regarding the Jewish Agency remains unchanged.

We are, from our experience, fully aware of the difficulties inherent in the mandate. I have already stated that we do not believe that these difficulties are insuperable, but that they can and must be overcome. We have accepted the suggestion of the Shaw Commission that a statement should be prepared containing a definition in clear and positive terms of the meaning which His Majesty's Government attaches to the passages in the mandate for the safeguarding of the rights of the non-Jewish community in Palestine ; and laying down, for the guidance of the Government of Palestine, directions more explicit than any that have yet been given as to the conduct of policy on such vital issues as land and immigration.

I have already assured the Commission that, after the consideration of Sir John Hope Simpson's report, we shall proceed to frame these instruments in the hope that they will lessen misunderstandings and give better guidance to the Palestine Administration in its complicated task.

The members of the Commission will be familiar with the fact that British overseas administrative systems and methods are different in some respects from those of other Powers. The difference is a reflection of the different political and administrative systems of the mother countries. In the British method, there is not a uniform system which has been carefully worked out to be of general application. There are, rather, certain general principles for guidance, and the application of these is adapted according to the needs of local conditions. As a result, we have many different governmental and administrative arrangements in our various dependencies. This British system may appear somewhat haphazard and experimental to those trained in other systems, but it has certain advantages and suits the British temperament. Further, there is some historical ground for believing that British methods have not been entirely unsuccessful.

It seems to be clear — whatever particular merits may be ascribed to the different methods of administering oversea territories, and all have their special virtues — that the British method is peculiarly suited to the case of Palestine. The achievement aimed at is without precedent ; the rate or manner of its accomplishment cannot be forecast with accuracy, and there are factors which are not present in other territories.

Whatever the plan of administration was, and however detailed and carefully worked out, it could not avoid taking to some extent an experimental form, involving, as it would inevitably do, frequent adjustments as a result of experience. I therefore believe that, not only the general policy, but the method of application which the British and local Governments seek to carry out are suited to the special needs of Palestine.

At the same time, I wish to make the important point that no excellence of administrative or other arrangements are alone sufficient to ensure the prosperity and internal security of Palestine. Some measure of co-operation between the two peoples is essential. No Government can do good constructive work for the whole country while it has constantly to act as an umpire. As I have stated already, I am more anxious to secure peace and harmony in the future than I am to allocate blame for the past.

I have given my opinion as to the possibility of the Arabs realising that it is in their own higher interests to co-operate with the Government in securing the welfare of all the inhabitants of Palestine. Jewish settlement in Palestine, if rightly guided and controlled, will bring, as



it has already brought, greater prosperity to the non-Jewish population. National independence is a great thing, but the power to live peaceably and to co-operate with other peoples is in many ways a greater thing, and I trust that it will be the aim of those who desire to uphold the traditions of the Arab race that scenes like those of last August should never be repeated. Bloodshed and violence and attacks on defenceless people not only outrage the feelings of humanity but, in these modern days, damage the communities of which their authors are members in the eyes of the world. The British Government will be amenable to argument and reason, but not to actions abhorrent to the spirit of civilisation and progress.

I would ask the Jewish leaders, on the other hand, to have more trust and confidence in the Home and Palestine Governments. Persistent criticism of officials who are doing their best in very difficult circumstances is unwise as well as often unfair. Individual acts of administration may appear to show a lack of sympathy which will disappear if a proper perspective is obtained. Even Government officials are human and need encouragement.

It is also important that the Jewish authorities should make clear to their co-religionists all over the world the nature of the mandate Britain has to administer. Much of the criticism of the British and Palestine Governments arises from a wrong understanding of what we are trying to do.

I will quote as an example an extract from some documents which have been handed to me by the Secretary of the Mandates Commission. These documents are copies of certain telegrams of protest received by the Secretariat, and a list of others protesting on behalf of Jewish organisations against certain things which the British Government have done. I have covered practically all the points in my other remarks, but I should just like to read the following paragraph, which illustrates the point I am trying to make. It is contained in a communication from the Mizrahi Zionists' Federation of Greece and the Association of Revisionist Zionists in that country. They say that each of their respective organisations "reaffirms its unshakable determination, whatever may befall, to pursue with greater rigour than ever, and at the cost of whatever sacrifice, the task of gradually rebuilding Palestine as a Jewish State".

I am well aware that the Zionist leaders have accepted fully the limitations of the Jewish National Home policy set out in the White Paper of 1922. At the same time, other important sections of the Jewish people have taken a different view, and there is no doubt that a number of the protests which are being made throughout the world are inspired by the conception that what we are trying to do in Palestine is to create a Jewish State and not what we are really trying to do — to create a Jewish National Home *in* Palestine, which is a different thing.

Therefore, I think it is important that the Jewish leaders — especially the responsible Zionist leaders who are associated with the working of the mandate — should take care that their co-religionists throughout the world should understand what we are really trying to do, and I am sure that, if a proper conception is got by them of our real task, we shall have very much more sympathy in the discharge of it than we have had in certain quarters up till now.

That concludes my statement ; but I should be glad, before the close of the proceedings, of an opportunity to say a few words of thanks to the Commission.

I would also be glad to have it recorded that His Majesty's Government express their confidence in Sir John Chancellor and Mr. Luke, who have recently represented His Majesty's Government in Palestine. The difficulty of their task we have all, I feel sure, realised, and I am confident that they deserve the thanks of the British Government. My colleague, Mr. Luke, had a very arduous and trying time during these disturbances. I am sure he has impressed you by his desire to give frank information to the members of the Commission.

I am very grateful for the opportunity of saying this, which I feel is appropriate in connection with this enquiry.

M. VAN REES thought that all the members of the Mandates Commission had been glad to hear the declaration which the accredited representative had just made. So far as he personally was concerned, the declaration had quite satisfied him. The accredited representative had referred to the idea held by a certain number of the Zionists that Palestine should become a Jewish State. This, however, was only an ambitious conception of a fraction of the Zionists who did not take fully into account the replies of the Zionist Organisation to the British Government contained in the White Paper of 1922. Moreover, the accredited representative had not omitted to point out that the conception of the Jewish National Home held by this fraction of the Zionists known as "revisionists" was not that of the other Zionists, who formed the great majority.

Continuing his speech, M. Van Rees wished to take the opportunity to make a suggestion to the accredited representative.

As appeared from page 31 of the Shaw report, the Mufti had addressed to the Administration on October 8th, 1928, only a few days, therefore, after the incident at the Wailing Wall, a memorandum in which he accused the Jews, among other things, of wishing to take possession of this Wall, called Ab Burch. This untruthful accusation had been denied by the Jewish National Council in Palestine, in an open letter, dated November 1928, addressed



to the Moslem community in the country (page 30 of the Shaw report). The accusation, however, had been maintained later and had continued to spread until finally it became a general belief that the Jews wished to take possession of the Mosque of Omar itself, as well as other Arab holy places. In spite of the absurdity of such allegations and repeated protests on the part of the Jews, this belief had persisted. There was no doubt that it had largely contributed to increasing the hostile feelings of the Arabs for the Jews.

Since it was certain that no denials on the part of the Jews would put an end to these widely spread rumours on the subject, M. Van Rees wondered whether intervention, in some form, by the Council of the League of Nations might not be a means of assisting the efforts which the mandatory Power proposed to make in order to calm, as far as possible, the excited minds of the Arabs. Basing its action on a suggestion of the Mandates Commission and acting in the spirit of Article 28 of the Mandate for Palestine, the Council, he thought, might adopt a resolution making it clear that the Jews only asked to be allowed to live in peace with the Arabs, and stating once for all that no restriction of the real rights of the Arabs in their holy places would be tolerated.

M. Van Rees asked the accredited representative whether he thought that a statement of this kind on the part of the Council would help in the work of pacification.

Dr. Drummond SHIELS did not wish to exaggerate the importance of the quotation he had read in regard to the Jewish State, but he thought that it was of some importance. M. Van Rees seemed to suggest that the number of Jews in the world who still held the idea of the Jewish State was insignificant, but if he would read the evidence of M. Jabotinsky on pages 109 and 110 of the Shaw report he would see that that was not so.

M. VAN REES observed that M. Jabotinsky was a revisionist.

Dr. Drummond SHIELS agreed that that was so. At the same time, he represented Jews who were fairly numerous in some parts of the world. Dr. Drummond Shiels had particularly selected the message from the Jews in Greece because, though it was signed by a Revisionist body, it was also signed by a Zionist body. Thus both Zionists and Revisionists had combined in the message.

He was sure that the Zionist leaders would repudiate such a resolution, but he merely wished to call attention to the danger of misconception which existed in various parts of the world.

In regard to M. Van Rees' second suggestion, he could say, as the representative of the mandatory Power, that he would be glad if the Mandates Commission could assist it in any way possible. He would, however, have to leave the members of the Commission to decide how that assistance should be given.

M. RAPPARD had some hesitation in speaking, for he was particularly anxious not to be misunderstood. Dr. Shiels had been good enough in his very interesting statement to question the view that the mandatory Power had two kinds of duties — one of action on behalf of the Jews and the other, as he had said, of mild contemplation of the Arabs. M. Rappard fully associated himself with Dr. Shiels's opinion that there would be no justification for a passive attitude towards the Arabs. Nothing would be further from his mind than that the recommendation to the mandatory Power should be partial or unfair.

The remarks he had made at the previous meeting were dictated solely by an examination of the mandate, which itself imposed two different types of duties. The mandatory Power had to encourage Jewish immigration and to facilitate closer co-operation on the land, while ensuring the rights and position of the population. It had, of course, to be equally solicitous of the welfare of the two types of inhabitants of Palestine, but the action called for was not in both cases of exactly the same kind. It was extremely difficult to say anything which would not make trouble, but M. Rappard's remarks had been dictated by what he understood to be the spirit of the mandate, which naturally called for activities of different kinds on behalf of different types of interests. He would certainly be the last to recommend any form of partiality.

M. ORTS recalled that, at the beginning of the session, the Commission had asked the accredited representatives to be good enough to explain, in particular, "the policy that the mandatory Power proposed to adopt in order to carry out the mandate for Palestine, and, in particular, Article 2, as well as the measures it contemplated for the application of this policy".

The Under-Secretary of State, in the declaration he had just made, had said that the British Government did not propose to change their policy. Obviously, he had meant by that that the Government intended to continue the application of the mandate.

Nobody doubted this, above all since the very clear declarations of Mr. Henderson before the Council of the League of Nations in September 1929, of the Prime Minister before the Assembly and, more recently, on April 3rd, 1930, in the House of Commons. It was understood that the British Government would continue the application of the mandate; that was to say, their "general policy" in Palestine.

The Commission had hoped that it would be given an indication of the methods which the British Government proposed to adopt in order to attain the object of their general policy — in other words, their policy of application.



It was easy to understand that the mandatory Power might wish to reserve any expression of opinion on this matter until it had received the additional information which Sir John Hope-Simpson would supply, although the moment for taking a decision seemed to have arrived. If, however, the accredited representative meant that the mandatory Government did not propose to make any change in the method of application of the general principles of the mandate which they had adopted up to the present, it would cause some disappointment. He did not wish to push criticism too far — for everyone knew what the difficulties were — but it must, nevertheless, be noted that the mandatory Power did not appear exactly to have realised what was implied in the obligations involved under Articles 2 and 6 of the Mandate.

These articles required of the Mandatory an active policy and not a passive or negative one.

Take, for example, the establishment of the Jewish National Home. Undoubtedly, the Mandatory had authorised the entry of immigrants; it had been said that it had even set up an immigration office. On occasion, it had even adopted a policy of moderation as regards immigration. It was not very clear, however, in what way the Mandatory had carried out the active rôle which it was required to play in the establishment of the National Home. This rôle, up to the present, had only been played by the Jewish Organisation.

The same passive policy seemed to have been adopted in regard to the other element of the population.

It had been said that, as a result of the sales made by the large landowners to the Jews, the Arabs had been threatened with a shortage of land. Had the mandatory Administration taken measures to safeguard the interests of the Arabs? Had it undertaken public works to increase the cultivable land in the country? Had it adopted an agrarian policy for application in this country, where the agrarian question was of such importance?

M. Orts did not wish to insist further, but he would repeat that there might be some disappointment if it were to appear that the Mandatory did not contemplate playing a more active rôle in the execution of Articles 2 and 6 of the Mandate.

Dr. Drummond SHIELS, referring to M. Orts' first point, did not consider that the difference between M. Orts and himself was so great as might appear. He was very glad to know that M. Orts was satisfied in regard to the broad declaration of policy. It would be difficult for any member of the Mandates Commission to be otherwise than satisfied with a determination to carry out the mandate in all respects. In regard to what he (Dr. Shiels) had described as the method of carrying out the broad policy, but which M. Orts might prefer to call the carrying out of the detailed policy, he had no serious objection to make to M. Orts' form of words. In dealing with policy, Dr. Shiels had been dealing with the bigger issue; but he agreed that, in the subordinate branches of administration, even in a particular department, there must be certain lines of policy or direction. It followed that that policy should be capable of adaptation and alteration, and even perhaps of innovation.

He would remind M. Orts that he had pointed out that, to some extent in Palestine, as in all new situations, there had to be certain experimental forms of administration. From the beginning, there had been an effort to adapt the detailed policy to changing circumstances, increased population, and so on. If M. Orts would read over the Minutes, he would find that Dr. Shiels had frequently suggested new lines of policy in regard to detailed matters; and, if he had not definitely intimated that they would be adopted in all cases, he had at least announced that it was being considered whether any new departures were or were not desirable. The idea of the mandatory Power was to treat the whole problem as an organic one, not as something static but as something dynamic, and to introduce alterations, modifications and innovations as occasion arose.

The main subjects were, of course, land and immigration. There might be differences in minor policy in that direction, but, as M. Orts was aware, Dr. Shiels was prevented from giving any clear idea of what those changes might be until after the Hope Simpson report was received. He fancied, however, that, on rereading the proceedings, M. Orts would find that the accredited representative had not been so barren of suggestions for improvements as he at present appeared to think.

In regard to the second point, Dr. Drummond Shiels did not think it desirable to go over the ground again. The point had already been raised that the mandatory Power had simply stood passively looking on while the Jews came into Palestine, and that all that it had done was to stop them from coming in from time to time or to reduce their numbers. He was sorry M. Orts felt that the British Government had manifested no activity in establishing and pushing forward the development of the Jewish National Home. He did not think that feeling was justified. After all, the mandate had not been in existence for long. Everyone knew how difficult it was in a new country to assimilate the growing populations. He had himself been in Canada and Australia. Canada and Western Australia were anxious to have people and Great Britain was anxious to send them. Even here, with willingness at both ends, it was found very difficult to settle numbers of people so that they could carry on in an economic manner. As everyone who had anything to do with immigration was aware, that was always a very great problem.

As the Commission knew, since the institution of the mandate, 105,000 Jewish people had gone to Palestine. Some had left, but the net result was that 80,000 Jewish immigrants had been settled in Palestine, and settled, practically without exception, comfortably and happily.

He thought it would be agreed that, to secure this very good result, the mandatory Power could not have been quite so passive and quite so inactive as had been suggested.

As he had explained, the only point on which he thought there could be criticism was that the Government was not putting State land at the disposal of the Jewish National Home.



The Palestine Government had found great difficulty in securing knowledge of titles and ownership of land in many parts of Palestine, and had felt that it would be very dangerous and unwise to hand over tracts of land to which the holders might afterwards find they had no title. Investigation and registration were continuing, but in an Eastern country where legal forms were sometimes not of a documentary kind, the task was very difficult. Apart from that, he felt that his contention was justified that the mandatory Power had only modified its efforts to advance the Jewish National Home by the necessity for protecting and watching over the interests of those who were included in the other part of the mandate.

M. ORTS understood the accredited representative to say that the policy had passed from a static to a dynamic policy. He considered that that was a change ; it was precisely what he had hoped for, and he was glad that he had put the question.

Dr. Drummond SHIELS pointed out that he had not said that the policy had passed from a static to a dynamic policy, but that the British Government always regarded the problem as an organic one, not static, but dynamic, and requiring corresponding treatment.

#### **Petition from the Syro-Palestinian Executive Committee of Cairo, dated January 8th, 1930.**

COUNT DE PENHA GARCIA observed that no comments had yet been received from the mandatory Power in connection with the telegram from the Secretary-General of the Syro-Palestinian Executive Committee of Cairo, dated January 8th, 1930. Was the accredited representative able to give a verbal reply immediately ?

Dr. Drummond SHIELS replied that the Sheikh Abdul Qadir Muzaffar was one of the eight prominent Arab agitators arrested by the police at Jaffa on November 22nd, 1929, as the result of representations made by the Mayor of Jaffa. The Mayor of Jaffa had represented to the High Commissioner that these agitators were actively engaged in political agitation and in carrying on a campaign of intimidation in order to enforce the boycott of the Jews. He expressed the opinion that, unless immediate and drastic steps were taken, the situation in Jaffa, which was alarming, would degenerate into anarchy and would lead to a renewal of rioting and attacks on the Jews in the course of two or three weeks.

Procedure was taken against the agitators under the provisions of the Prevention of Crimes Ordinance of 1920-21. Dr. Drummond Shiels had no detailed information as to the specific case referred to in the telegram, and was not in a position to comment on the allegation as to the treatment meted out to the Sheikh.

#### **Close of the Hearing of the Accredited Representatives regarding the Disturbances and their Causes.**

The CHAIRMAN said that it simply remained for him to thank, in the name of the Commission, the British Government for having been good enough to send to the Commission one of its members as well as one of the highest officials of Palestine. It was difficult when dealing with such a complex question to satisfy everyone. He was sure that the only wish of the accredited representative as well as of his colleagues was to contribute to the pacification of the minds of the two races and to foster collaboration between them.

He wished to thank Dr. Drummond Shiels personally for the part he had taken in the work, and also his collaborators for their valuable assistance.

Dr. Drummond SHIELS made the following declaration :

Mr. Chairman, — I wish to thank you very much for your generous words, and to accept your greetings to myself and my colleagues. In return, may I thank you for the way in which you have conducted these sittings, for the courtesy and kindness which you have always shown, and especially for the exercise of those happy gifts of humour which have brightened, I will not say dull moments, but moments which at any rate were made brighter by the exercise of your gifts.

I would also like to thank the members of the Commission for their treatment of me. They have been critical, but I am a Scottish Member of Parliament, and it is part of our training to be heckled consistently on all occasions. The process, therefore, has not been entirely new to me. In that connection I would like again to say, as I mentioned this morning, that while I welcome the sympathy of the members of the Commission — because I think that, unless a problem of this kind is considered sympathetically it is not possible to obtain a proper insight into it and to arrive so accurately at the truth — the British Government would welcome the frank opinion of the Commission on the questions which are before it. I would not like to think that any considerations of delicacy or of the difficulties with which we have to contend should cause any reservation in the expression of the view of the members of the Mandates Commission. We feel confident in the motive and the spirit with which we have tried to carry out our task and in the substantial measure of our achievement, and we do not fear the impartial verdict of the members of the Mandates Commission.

I should like to thank M. Catastini and the members of his staff for the great assistance and kindness which they have shown to us. They have helped us very much. I would also



like to thank the interpreters, who have made our remarks so eloquent in another language, and the stenographers. I would like to ask you, also, to allow me in your presence to thank my colleagues, Mr. Luke, Mr. Lloyd and Mr. Clauson, who have all been of very great assistance to me.

In conclusion, I join in your wish that, whatever be the decision to which the Permanent Mandates Commission may come, this week's proceedings will advance the interests of all sections of the population of Palestine.

Dr. Drummond Shiels and Mr. Lloyd then withdrew.

#### **Division of Work between the Members of the Commission.**

The CHAIRMAN asked whether M. Ruppel was prepared to take charge of the special questions in the annual reports which had formerly been dealt with by M. Kastl. M. Kastl had been responsible for questions relating to public health, the judicial system and the police in all mandated territories.

M. RUPPEL signified his agreement.

#### **Examination of the Annual Report for 1929.**

##### **FORM OF THE REPORT.**

The CHAIRMAN said that the Mandates Commission noted with satisfaction that the Trans-Jordan Section in the annual report was much more complete than hitherto ; he would only ask that a more complete index might be provided for this section.

Lord LUGARD reminded the accredited representative that it had been promised that subjects dealt with in the annual report should be arranged in the same order as the list used by the Commission, and asked whether that could be done in future.

Mr. LUKE said that he would make a note of this request.

M. VAN REES asked that in future the appendices to the report might be mentioned in the table of contents.

Mr. LUKE replied that he had noticed the same lacuna himself.

##### **COLLECTION OF LAWS RELATING TO PALESTINE AND TRANS-JORDAN.**

The CHAIRMAN added that the Commission would also note with satisfaction that the judicial adviser to the Trans-Jordan Government was engaged in collecting and editing all the laws still in force in Trans-Jordan, and the Chairman asked that the collection, when finished, might be communicated to the members of the Commission.

Lord LUGARD thought that the Commission had no completed edition of the laws of Palestine.

Mr. LUKE replied that the collection of laws in Palestine was completed down to 1925 ; laws enacted after that date were to be found in annual volumes.

##### **EMIGRATION TO SOUTH AND CENTRAL AMERICAN STATES.**

M. RAPPARD drew attention to the statement on page 125 that :

“ . . . certain South and Central American States introduced stricter immigration laws, some of them designed to exclude emigration from the East and Near East, with the result that fewer Palestinian Arabs emigrated.”

In the previous year, Sir John Chancellor, in replying to a question on this matter, had said it was one of minor importance. Was that still the view of the mandatory Power ? Or had any particular steps been taken to protect the interests of Palestinians in that respect ?

Mr. LUKE replied that the position of the Palestine Government was still the same. The question did not present sufficient difficulties to make it necessary for the Government to ask the Mandates Commission to intervene. Under the Ottoman regime there had been considerable emigration from Syria and Palestine to various countries in South and Central America, due in part to the dissatisfaction of the Arabs with the conditions under which they were living at that time, and in part to the desire to avoid conscription. Emigration to Central and South America had lessened considerably since the British Administration, and, in fact, certain emigrants to those countries had now begun to return to Palestine.



DATE OF THE INSTRUCTIONS IN REGARD TO THE USE OF THE WAILING WALL.

LORD LUGARD asked what was the date of the provisional instructions in regard to the use of the Wailing Wall, given in Appendix I.

MR. LUKE replied that the regulations had been issued after the disturbances, about the end of September or on October 1st, 1929.

GENERAL MOSLEM ASSEMBLY AND SUPREME MOSLEM COUNCIL. RELATIONS OF THE JEWS AND ARABS IN ADMINISTRATIVE MATTERS.

LORD LUGARD asked whether the recommendations for the creation of a General Moslem Assembly and the Supreme Moslem Council (page 16) had yet taken shape, and what would be their respective functions.

MR. LUKE replied that the recommendations had come before the Government for consideration not very long before the outbreak of the disturbances. Consideration of this very complex question had accordingly had to be postponed.

M. PALACIOS said he would not insist on the observation he had made at a previous meeting regarding the various requirements of Articles 2 and 3 of the Mandate and the confusion regarding this subject which was usually evident in the reports of the Administration.

He would merely ask one question regarding the organisation of the Moslem religious community. It appeared that the Supreme Moslem Council of the Shariah had been provisionally appointed by the Government. In the previous year reference had been made to its claims for autonomy and it had been stated that the means for giving effect to those claims were being studied. What was the position as regards this question? Was the President of the Supreme Council appointed by the Government?

MR. LUKE replied that the Supreme Moslem Council was elected under certain provisional conditions. It had been elected — and not appointed by the Government — by a body of Moslems in 1921, who, under the provisional regulations published in the same year, were to be regarded as the legal electors *pro hac vice*. He was unable as yet to obtain any information regarding the new regulations, consideration of which had had to be postponed owing to the disturbances and the resulting situation.

In reply to a further question by M. Palacios, Mr. Luke said that the President of the Supreme Moslem Council had been elected by the Committee of Moslems and not appointed by the Government.

LORD LUGARD asked whether there was any chance of getting the Jewish Council and the Moslem Council to work together in a consultative council. He did not mean in any way as a legislative council, but as a body with purely consultative functions.

MR. LUKE pointed out that the General Moslem Assembly did not exist. A proposal had merely been put forward by a body of Moslems appointed by Lord Plumer, that a General Moslem Assembly should be set up to select the Supreme Moslem Council, and for no other purpose; that being the case, it would not be an appropriate body to co-operate in general questions.

Mlle. DANNEVIG asked how Moslems and Jews worked together on the municipal school boards.

MR. LUKE replied that, administratively, the Arab and Jewish schools were entirely separate; they were not controlled by Boards of Arabs and Jews sitting together.

Mlle. DANNEVIG said that, in that case, she failed to understand the Ordinance from which it appeared that representatives of Arabs and Jews worked together in the administration of schools. As there were certain municipalities where Jews and Arabs lived together, she assumed they would have to work together in matters of school administration. She was referring to paragraph 398 or 400 of the Ordinance on Education.

WITHDRAWAL OF THE POWERS OF LOCAL AUTONOMY FROM CERTAIN ARAB VILLAGES.

M. PALACIOS said that it would be interesting to have some more precise details as regards the "failure to maintain the requisite standards of administration which led to the withdrawal of the powers of local autonomy under the Local Councils Ordinance granted to five small Arab villages" (Annual Report, page 168).

MR. LUKE said that he had no precise details available, but the action taken had probably been due to inefficiency.



#### JEWISH AGENCY.

M. PALACIOS asked whether there had been any opposition to the interpretation of Article 4 of the Mandate, according to which the Zionist Organisation was to be the recognised body to be consulted by the Government. He understood there had been certain legal doubts at the time when the Jewish Agency had been enlarged. As Article 4 mentioned the co-operation of all the Jews who were willing to assist the establishment of the Jewish National Home, this provision seemed to cover the latter point.

Mr. LUKE said that the question of recognising the enlarged Jewish Agency as the body envisaged in Article 4 was at present under consideration by the British Government.

M. RAPPARD asked what was the nature of the problem. It appeared to him that, the more representative the agency was, the better. Was there any special difficulty in recognising the agency after reorganising it on a broader basis?

Mr. LUKE answered that he was not aware that there was any particular problem involved; the matter was merely under examination by the British Government.

#### IMMIGRATION AND EMIGRATION.

M. RAPPARD drew attention to the passage stating that " 60,212 travellers and 28,212 returning residents entered Palestine during the year and 57,365 travellers and 31,514 residents left " (page 125). He assumed that a traveller was a person who did not stay in the country for any length of time. If, however, the figures in question were added together, it would be seen that the totals were about the same. He supposed that some of those covered by the statistics had entered Palestine as travellers and had left as residents.

Mr. LUKE said it was perfectly true that a certain number of travellers underwent a change and became residents. It was also the case that sometimes prospective immigrants, having difficulty in entering Palestine under the immigration regulations, came in under the guise of travellers and then succeeded in getting themselves accepted as residents. A further explanation was the overlap from the end of the year.

M. RAPPARD said that the explanation of the overlap had occurred to him, but it did not seem very plausible, as the comparison of entering and leaving travellers and residents indicated. He pointed out that the emigration figures given further down on the same page related to residents leaving Palestine permanently. There appeared, accordingly, to be a distinction between two classes of residents leaving Palestine.

Mr. LUKE agreed that that was so. He pointed out by way of example that an official resident in Palestine leaving the country for a summer holiday would be shown in the statistics.

Lord LUGARD asked what was the main reason of emigration on the part of the Jews. In some years, almost as many Jews had left the country as had entered it.

Mr. LUKE observed that he had already explained that Jewish emigrants consisted either of people who had been unable to make good in the country or who left it because it had not come up to their expectations. He believed that the majority of these emigrants from Palestine hoped to find their way to the United States of America.

The CHAIRMAN said that the Commission had not perhaps emphasised this question sufficiently to the Under-Secretary of State. In spite of the considerable financial effort made by the Zionist Organisation, it appeared that many Jews had not been able to create for themselves in Palestine the situation that they had hoped.

M. VAN REES observed that certain complaints had reached him that the Persian and Yemeni Governments refused to allow Jews in their countries to go to Palestine. Unless he was mistaken, there was a fairly large number of Yemeni Jews in Palestine, and the grievance might therefore not be justified.

Mr. LUKE said that it was true that there was a large and increasing number of Yemeni Jews in Palestine. He was not aware of any embargo by the Persian Government on the visits of Jews from that country to Palestine. At a large Jewish pilgrimage which he had attended in Galilee in 1929, he had noticed Persian Jews among the pilgrims. It did not, therefore, appear *prima facie* as if they had any difficulty in leaving Persia.

M. VAN REES asked if the Emir Abdullah of Trans-Jordan still raised objections to the entry into his country of Jews who still retained the nationality of any State Member of the League of Nations.



Mr. LUKE was not aware that this problem had ever been placed before the Emir of Trans-Jordan and the Trans-Jordan Government. There were individual Jews in Trans-Jordan, and there was a Jewish officer in the Trans-Jordan Frontier Force.

M. VAN REES observed that this question had already been discussed more than once in the presence of the accredited representative of Great Britain.

Mr. LUKE pointed out that, according to M. Van Rees' statement, the information required was in the possession of the Commission. The matter, however, was not one of the despotic will of the Emir. An independent Government had been set up in Trans-Jordan with a Legislative Council, so that it was hardly appropriate to talk of what the Emir would allow or not allow.

M. VAN REES remarked that it was stated in the report that Jews entering Palestine had to pay an entrance fee of £1 a head. He had also before him a communication from the British Government saying that it was not possible to reduce the fee owing to the heavy costs of the Immigration Service. What was the reason for which the expenses of the Immigration Service were so high that it was impossible to reduce the entrance fee?

Mr. LUKE said that the Immigration Service had to maintain a very considerable staff. As a matter of fact, however, the fee was £1 for adults and 200 mils for children.

#### JUDICIAL SYSTEM.

M. RUPPEL referred to the passage reading :

“ An Ordinance was passed to vest the powers of a District Court in a single British judge and the powers of the Court of Criminal Assize in two British judges ; and providing that appeals from a British magistrate should be triable by a single British judge ” (page 7).

If that Ordinance had been passed after the disturbances, what was the real reason for the change which it effected? Was it feared that the Palestinian Courts would not be impartial in dealing with cases resulting from the disturbances?

Mr. LUKE replied that the Government had felt it desirable to avoid the necessity of having Palestinian judges, whether Arabs or Jews, sitting on cases arising out of disturbances which had excited so much inter-racial passion. The passing of the Ordinance implied no reflection on the impartiality of the Palestinian judges, but it had been thought wise to confine the hearing of these cases to judges who were members of neither race.

The number of British judges in the country being limited, it had been necessary to avoid the possibility of a British judge having to sit in appeal on cases which he had already tried. The Ordinance, of course, affected only cases arising out of the troubles.

M. RUPPEL observed that the figures on page 59 showed that the number of persons charged before officers holding magisterial warrants had jumped from 7,000 in 1928 to 14,000 in 1929, and this increase was ascribed to the riots. He asked whether the entire increase of 7,000 was due to charges in connection with the riots.

Mr. LUKE thought that that was not necessarily an inference to be drawn from the statement in the report, but probably it was in a large measure true. The number, however, was of charges, not of accused persons; in many cases, ten or even more charges were made against the same person.

M. RUPPEL asked what was meant by the term “ interdiction ” in the passage reading :

“ The magisterial staff was considerably depleted by interdiction, retirement and death ” (page 59).

Mr. LUKE replied that one or, perhaps, two magistrates had been suspended from their functions, but that had had nothing to do with the riots.

M. RUPPEL said that he had been unable to find any information concerning the activity of the religious courts in Palestine. The section on Trans-Jordan gave a full account of the working of the Sharia courts.

Mr. LUKE observed that there were in Palestine many other religious courts in addition to the Sharia and Jewish courts. All those confessions which under the Turkish regime had had their own courts still possessed them. If the Commission desired statistics in future reports concerning the activity of certain of these courts, Mr. Luke would make a note of it.

M. RUPPEL asked whether it would also be possible in the next report to have a note concerning the organisation of the religious courts; for instance, the powers of the heads of the religious communities in regard to them. Were the judges entirely independent, or were they in any way under the heads of the religious communities?



Mr. LUKE observed that some information on the point was given on pages 55 and 56 of the annual report. While he would take note of the request for further information in subsequent reports, he might say at once that the Mufti of Jerusalem, as such, had no judicial functions. The judges of the Sharia and of the Moslem religious courts came under him as President of the Moslem Supreme Council, but he did not sit as a judge. The judges in the Jewish and Christian courts had, of course, nothing to do with the Moslem Supreme Council.

Lord LUGARD, with reference to the question of the amendment of the law relating to murder (page 7), asked whether all the persons convicted of murder had been tried under Turkish law.

Mr. LUKE replied in the affirmative.

Lord LUGARD, asked what was the difference between the English and Turkish laws of murder.

Mr. LUKE, who said that he spoke as a layman in legal matters, replied that the essential difference was that under Turkish law premeditation had to be proved before sentence of death could be passed.

Lord LUGARD referred to the passage (page 53) reading :

“ The Land Courts Amendment Ordinance provides that no appeal shall lie from the judgment of the Land Court, save on a question of law. ”

While he did not doubt the judiciousness of that decision, he asked what was the particular reason for which it had been taken.

Mr. LUKE was unable to answer this question off-hand. His impression was that the amendment had been made owing to the enormous congestion of business in the Courts of Appeal, because, under the present system, appeals were automatic in a very large number of cases.

M. SAKENOBÉ observed that the Criminal Law (Seditious Offences) Amendment Ordinance appeared to have come into force several months after the disturbances of August 1929, and asked whether the same categories of offence had been partly dealt with under the Ottoman Criminal Code and partly under the new Ordinance.

Mr. LUKE pointed out that the Ordinance had come into force only a few weeks after the disturbances, but it did not have a retroactive effect.

M. SAKENOBÉ observed that, on page 7 of the report, a statement was made of the number of cases decided by the Courts as at the end of December. Were there many more cases decided after that date ?

Mr. LUKE replied in the affirmative. The report only dealt with the year 1929 and, therefore, did not include the statistics for 1930. It had not been possible to conclude the cases arising out of the disturbances by the end of the year.

M. SAKENOBÉ asked whether there had been a very large number of cases in all arising out of the disturbances tried in 1930.

Mr. LUKE was unable to give the actual number, but pointed out, by way of example, that there had been, in all, twenty-six sentences of death against eighteen shown in the table.

M. RUPPEL said that, according to an extract from the House of Commons debate on May 23rd, the Under-Secretary of State, in reply to a question, had said that no steps were being taken to abolish the flogging of prisoners in gaols in Palestine. M. Ruppel would be glad to know whether there were any regulations governing such corporal punishment.

Mr. LUKE replied that the prison offences punishable with flogging were minutely set out in the prison regulations, and that flogging could not be ordered upon the unfettered discretion of individuals.

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## TWELFTH MEETING.

*Held on Tuesday, June 10th, 1930, at 10 a.m.*

### Examination of the Annual Report for 1929 (continuation).

Mr. Luke, Chief Secretary to the Government of Palestine, and Mr. Clauson, accredited representatives of the mandatory Power, came to the table of the Commission.

#### LABOUR.

Mr. WEAVER would, in the first place, express, on behalf of the International Labour Organisation, his pleasure at ascertaining from the report that the Palestine Government had adhered to the Convention on Equality of Treatment for Native and Foreign Workmen in respect of Compensation for Accidents, and also that the Palestine Administration had agreed beforehand, in principle, to adopt the Forced Labour Convention which it was hoped would be drawn up by the Labour Conference now in session.

There was, however, no evidence in the report of any progress in the matter of labour legislation in Palestine. Mr. Weaver quite realised that the events of 1929 had probably placed many difficulties in the way of the Administration in this respect, but he would urge that an active and positive policy in regard to labour legislation would be of real assistance to the country at the present juncture.

There appeared to be a certain amount of discontent both among Jewish and Arab workers. The former were dissatisfied with the amount of Jewish labour employed on public works, the latter considered that too many privileges were granted to the Jews. For example, a congress of Arab workers held at Haifa had asked for the suppression of certain privileges granted to Jews.

Mr. Weaver would remind the accredited representative that, in 1924, Mr. Grimshaw had suggested that a difference in the conditions of labour between Jews and Arabs might give rise to difficulties which would gradually increase as the industrial development of the country progressed. In this respect, there were a number of Ordinances upon which Mr. Weaver would congratulate the Palestine Administration. He would refer more particularly to the Industrial Employment of Women and Children Ordinance and the Workmen's Compensation Ordinance. The development of labour legislation would, he felt convinced, prove useful and contribute towards a prosperous and contented Palestine. Was there any programme for such legislation and did it deal with any of the following points?

- (1) Hours of labour ;
- (2) Extension of the Ordinance on the Industrial Employment of Women and Children ;
- (3) The organisation of an inspection service ;
- (4) Compulsory health insurance.

For what reason had the Palestine Administration definitely refused to introduce any measures in regard to compulsory health insurance?

The main principles of labour legislation were to be found in numerous international conventions. The mandatory Power, which had very considerable experience in the matter, could also help the Administration.

Mr. LUKE replied that, as the Commission was doubtless aware, labour conditions in Palestine could not be described as on a par with those prevalent in Europe. The matter was further complicated by the fact that Jewish labour was largely accustomed to European standards and principles, while the conditions governing Arab labour were far simpler and less influenced by European ideas.

There was, he was glad to say, no noticeable friction between Arab and Jewish labourers, though considerable skill and tact were necessary on the part of the Administration and of the employers to avoid trouble arising mainly out of the different scale of wages paid. Those drawing a lower scale of wages might naturally show resentment, especially if they were doing almost the same work as those who were paid on the higher scale. A Jewish immigrant, however, was at a disadvantage as compared with an Arab labourer, for he had to pay rent, his standard of living was higher and he had no other resources than the wages which he earned. The Arab, on the other hand, possessed a certain background to which he could retire when work was scarce. Most Arabs, for example, possessed a small house with a garden in which vegetables could be grown. On the whole, in view of the different scales of living and wages enjoyed by Jewish and Arab labour, the position was more satisfactory than might be expected.

In so far as the labour legislation of Palestine was concerned, it was in an embryonic stage, mostly on account of the more primitive character of Arab labour. Two Ordinances



were in force : the Workmen's Compensation Ordinance and the Ordinance Governing the Industrial Employment of Women and Children. The former Ordinance, which had been a complete innovation in the country, had been applied to selected trades, and additions to the list of such trades were made from time to time.

Arab labour would not understand any measures introducing compulsory health insurance, and, as Mr. Luke had already pointed out, they were themselves not without individual resources. The Jews, on the other hand, possessed an excellent organisation known as the Kupat Holim, to which most Jewish labourers belonged, the number of its members being about 15,000.

Mr. WEAVER thanked the accredited representative for his explanations. He fully realised the difference of the conditions of labour in respect of Arabs and Jews. If that distinction, however, became permanent, it might be a source of danger to the country; for, on the one hand, there would be a highly skilled class of Jewish labourers and, on the other, an unskilled Arab class. Problems might then arise which might involve inter-racial strife. By a gradual and tentative creation of comparable conditions of labour it would be possible, he felt sure, to create a Palestinian nation free from racial conflict.

Was the Government considering the adoption of machinery for fixing a minimum wage?

Mr. LUKE noted with gratitude the helpful suggestions of Mr. Weaver. They would be given careful attention by the Administration.

The question of fixing a minimum wage had been considered. In the present circumstances, however, there were insuperable difficulties in this connection.

Lord LUGARD, referring to the official memorandum forwarded by the Jewish Agency for Palestine on the development of the Jewish National Home in 1929, noted that, according to the figures on page 6, unemployment among the Jews had been reduced from 6,327 in 1927 to 334 at the end of 1929. Practically all the unemployed had been absorbed. He would like to congratulate the Administration upon this.

He noted from the table of wages on page 127 of the annual report that the Jewish labourer was paid practically double that of the Arab labourer. In Appendix X, on page 220, referring to the Haifa Harbour Works, it was stated that work must be provided for Jews and, owing to the difference of their standard of life from that of the Arabs, there must be special wages. It would appear that the Government was paying a higher wage to Jews employed on public works. Were the Arabs and Jews so employed working side by side, or were the Jews working only on piece work?

On page 8 of the Jewish Agency's memorandum it was stated :

“ An experiment undertaken by the harbour authorities in the employment of Jewish workers on quarrying at different rates has proved successful; while the workers earn a living wage, the cost of stone per cubic metre is kept well below that of stone quarried by Arab labour working for a much lower daily wage.”

This very interesting statement appeared, however, not to be correct according to the comments from the British Government dated June 2nd, 1930 (document C.P.M.1032).

Mr. LUKE thanked Lord Lugard for his congratulations in regard to the marked reduction in unemployment.

The difficulties of paying Jews a higher wage than Arabs for the same work were overcome by employing Jews on piece work. The observations of the British Government regarding the quarrying referred to in the Jewish memorandum were correct.

Lord LUGARD asked why, if it were a fact that all unemployment had been practically wiped out and that 100,000 dunums of Jewish-owned land awaited occupants, the Commission of Enquiry had formed the conclusion that the capacity of the country to absorb the full number of immigrants had been exceeded.

Mr. LUKE replied that the satisfactory position in regard to employment was a momentary development. The position had been different in the past, and the Administration could not be certain that it would not be different in the future. The fluctuation in employment was very remarkable. In 1928, for example, there had been a large building programme which had absorbed a great deal of labour in that year; at other times, however, very little construction work was being carried out. The one stable element was the steady development of the citrus industry. He could not accept the estimate of vacant land awaiting occupants.

Lord LUGARD asked whether the greater part of the unemployed Jewish labour had been absorbed by Jewish employers or by the Public Works Department. The programme for public works had been much reduced in 1929.

Mr. LUKE replied that a good deal of Jewish labour had been absorbed by Jewish employers, who gave a considerable amount of employment in the building trade as well as in agricultural occupations.



Lord LUGARD pointed out that, if that were the case, he did not understand why, when the Jewish Labour Department had asked for a certain number of certificates stating that work was available for that number, these certificates had been refused on the ground that the country could not absorb the number asked for.

Mr. LUKE said that, to a certain extent, the quota asked for by the Palestine Zionist Executive was a forecast and not a final statement. The Government in such circumstances must always remain the final arbiter. For example, the Palestine Zionist Executive might say that it could employ 3,000 labourers on a particular piece of work, but that work might only last for three months.

Lord LUGARD entirely concurred that the final decision must be with the High Commissioner, that the High Commissioner had been satisfied and had issued the certificates. Lord Lugard was merely endeavouring to elicit the reasons why the Shaw Commission had come to the conclusion that more Jews had been admitted than the country could absorb. The unemployment had proved to be only a temporary phase, and he understood that the Zionist organisation accepted responsibility for twelve months for the numbers it recommended.

Mr. LUKE pointed out that the Shaw report covered a period of several years. The satisfactory state of affairs recorded in the Jewish memorandum was momentary, though he hoped that it would continue. The Permanent Mandates Commission must not suppose that the Jews alone employed Jewish labour; the Government also did so, and the Public Works Department had intended to fulfil a large programme during 1929, which had had to be partly abandoned owing to the disturbances. This meant that the Government had employed considerably fewer Jewish labourers than had originally been its intention.

COUNT DE PENHA GARCIA noted the information describing penal labour. Were there any regulations in addition to those contained in the Penal Labour Ordinance of 1927?

Mr. LUKE replied that he was not aware that there was any new enactment.

COUNT DE PENHA GARCIA asked whether the wages paid to penal labour were the same as those paid in the open market or whether the Government fixed the rate.

Mr. LUKE could not give exact figures, which would be furnished later. In any case, however, the wages paid to penal labour were not the same as those paid to free labour.

M. RAPPARD, referring to the British Government's letter of June 2nd transmitting the Jewish Agency's memorandum for 1929 (document C.P.M. 1032), noted that in paragraph 5(b) it was stated that the cost "per cubic metre of stone excavated by Jewish workers in March was 133 mils. The comparable cost per cubic metre of stone quarried by Arab labour during the same period was 107 mils. As regards production per man, the present position is that the Jews are producing twice as much per man as the Arabs". M. Rappard therefore calculated that the wages paid to the Jews must be more than twice as high as those received by the Arabs. This did not seem quite to tally with the information contained in the table on page 127 of the report.

Mr. LUKE thought that the information was correct. The maximum wage paid for Jewish skilled labour was in some cases double the minimum wage paid to Arabs.

Mr. CLAUSON said that, in this case of quarrying, it was probable that the Jews had, owing to local conditions, been paid on the maximum rate and the Arabs the minimum. This was only a special case, however, and was not necessarily universal.

M. RAPPARD said that it was unlikely that, when there was a maximum and minimum rate for skilled labour, the maximum would always be paid to the Jew and the minimum to the Arab.

Mr. LUKE agreed and pointed out that, in the case of quarrying, upon which the discussion had arisen, the maximum had probably been paid to the Jewish labourers and the minimum to the Arab owing to some special circumstance, such as that the Arabs were working near their own villages, while the Jews were not. It was largely a question of supply and demand.

#### RUSSIAN AND ARMENIAN REFUGEES.

Lord LUGARD enquired whether the Russian and Armenian refugees in Palestine had now been definitely settled. What were their numbers, and had they obtained Palestinian citizenship?

Mr. LUKE replied that the number of Russian and Armenian refugees in the territory was very small. There were not more than 3,000 Armenians in Palestine, and these had mostly been established there during the period of the Ottoman rule. There were no Russian Christian refugees in the country, but only a few Russian Jews, who had all been settled and had acquired Palestinian citizenship.



#### EMIGRATION TO SAN SALVADOR AND HONDURAS.

M. VAN REES said that, according to information appearing in the *Zionistische Korrespondenz* of April 30th and July 30th, 1929, the Government of San Salvador had prohibited the entry of Palestinian citizens into its territory, and the Government of Honduras had just adopted a new law affecting immigrants of Arab, Turkish, Syrian and Armenian nationality. These immigrants were only authorised to enter Honduras if they could prove that they had possessions amounting to £500 sterling and if they paid a £50 deposit. Were the statements contained in this newspaper correct?

Mr. LUKE replied that he was under the impression that negotiations had been proceeding between His Majesty's Government and the Governments of the two countries in question in regard to this matter.

#### QUESTION OF THE APPLICATION TO PALESTINIANS OF THE AGREEMENT BETWEEN GREAT BRITAIN AND GERMANY REGARDING PASSPORT VISAS.

M. VAN REES asked whether the following extract from the *Jewish Chronicle* of August 23rd, 1929, was accurate :

" It is not at all remarkable that so many of the American, English and German Jews who settle in Palestine with every intention of living there permanently postpone or decline altogether to become Palestinian citizens. The protection afforded to Palestinians by the British Government and its diplomatic representatives is felt to be of such a vague character that people prefer to retain their old passports and with them the more tangible protection of their Governments . . . . It may be mentioned that Great Britain and Germany recently concluded a reciprocal agreement under which British protected persons as well as British subjects will be admitted into Germany without visa provided that they are in possession of passports showing their status as British protected persons . . . . Although a Palestinian passport is adorned with a bold inscription, ' British Passport ', no facilities under the agreement are accorded to Palestinians. Furthermore, a German national, an ex-enemy, is admitted to England without a visa, but not so a Palestinian, who has very great difficulty as a rule in obtaining a visa to England."

Mr. CLAUSON said that the extract in question was taken from an extremist Jewish organ. There was an agreement between Great Britain and Germany based on strict reciprocity. This meant that, if a German citizen could not enter Palestine without a visa, as was the case, a Palestinian could not enter Germany without a visa. In the case of Great Britain, Germans could enter without visas and *vice versa* because of the special arrangement concluded between the two countries. An Englishman could not enter Palestine without an endorsement, which was the equivalent of a visa, and *vice versa*. The entire arrangement was based on the strictest reciprocity.

#### PROTECTION OF CULTIVATORS ORDINANCE.

M. VAN REES, with reference to page 15 of the report, noted that the Protection of Cultivators Ordinance had been passed " with the object of dealing with the difficulties which frequently arise when large tracts of land change ownership ". Was this the Ordinance which had been criticised by the Shaw Commission? In view of its importance, would Mr. Luke cause it to be annexed to the next report?

Mr. LUKE replied in the affirmative to the latter question. This Ordinance was a recent one and was not, he thought, the Ordinance criticised by the Shaw Commission.

#### BARRAT-CÆSAREA LAND CASE.

M. VAN REES, with reference to Annex XI, concerning the Barrat-Cæsarea land case, asked whether the Administration really had hopes of ending the question which had now dragged on for some years without the achievement of any appreciable progress.

Mr. LUKE replied in the affirmative. There were distinct hopes of achieving finality. The Administration had now reached the last lap.

#### SURVEY AND LAND SETTLEMENT.

M. VAN REES noted that, according to page 11 of the report, the survey of Palestine was steadily progressing and, marching with it, land settlement was in progress in nineteen villages. Certain details regarding the survey were to be found on pages 107 and 109. This was a matter which had frequently engaged the attention of the Commission. The mandatory Power had in the past invariably replied that the survey was in progress and that every effort was being made. Despite this fact, no definition of State domains had been forthcoming.



When would the final result of the survey be ready in order that a settlement could be reached regarding what constituted State domains.

Could Mr. Luke annex a map to the next report showing the progress made ?

M. MERLIN realised the difficulties attendant upon the definition of what constituted State domains. In many French colonies the problem was solved on the lines of the Torrens Act, whereby every piece of land, before undergoing any change, must be registered. Thus any claim to ownership of the said land must be made known, and when once the land was registered it had a status which was incontestable and uncontested.

Lord LUGARD suggested that, without waiting for the complete survey to be finished, the Administration might declare the results in those provinces or areas which had been completed, so that land settlement might follow.

Mr. LUKE replied that such action was already being taken. It was impossible to proceed to land settlement in a country like Palestine without a survey; but, when a survey of any particular district was completed, land settlement, as the report stated, followed. Of necessity, the settlement had been complicated in a country such as Palestine, where the transfer of land and its inheritance had followed the former Ottoman law. By the provisions of that law the land was divided up among the heirs on death, often into infinitesimal pieces.

He would note the observations of M. Van Rees. Not only a graphical map, but also statistics regarding the progress made would be included in the next report. In the work of settlement, preference had been given to the more populous areas.

M. VAN REES enquired whether settlement was being carried on simultaneously all over the country.

Mr. LUKE replied that there were three or four settlement parties constantly at work.

Lord LUGARD asked whether it was possible in provinces where the settlement had been completed for the Government to assign any State or waste land to the Jews.

Mr. LUKE replied in the negative. So far, no waste land had been discovered in any part of the territory which had been covered by the settlement parties. The reason for this probably lay in the fact, as he had pointed out, that the more populous districts had been settled first, and it was only natural that no vacant land should have been discovered in those areas.

M. VAN REES wished to refer to the allotment of areas to cultivators under the Baisan Land Agreement. This appeared to be coming to an end (page 11 of the report). Had all the Baisan Land been allotted? Would the accredited representative examine the document which M. Van Rees had submitted to him privately and give details in the next report? The document in question, entitled "The Absentee Landlord", was an analysis of the distribution of Palestine Crown Lands with special reference to the Baisan Settlement and its results and contained severe criticisms.

Mr. LUKE said that he would note this document and would refer to the allegations in the next report.

M. VAN REES said that, according to the *Zionistische Korrespondenz* of March 22nd, 1929, the Government of Trans-Jordan had undertaken preliminary work concerning the possibility of making greater areas available for settlement purposes. The proposed settlers were presumably the so-called "Moghrabis", the former inhabitants of Tripoli. It had been stated that 100,000 dunums between Amman and Dera'a had been made available on very favourable terms.

Could the accredited representative say whether such a scheme existed, and, if in the affirmative, could further details be given?

Mr. LUKE was under the impression that this was a pure fabrication from beginning to end.

In reply to Lord Lugard, he said that no State or waste land had been bestowed on Arabs.

M. SAKENOBE would refer to the following extract from the newspaper *Falastin* of January 4th, 1930 :

" . . . In some villages the land belongs to a village jointly, with the percentage of share marked clearly but without the division of plots.

"This has brought in the 'Masha'a' system; that is, that every shareholder in the village land, instead of tilling the same piece every year, tills an alternative piece every year so that he has to finish a cycle of tilling . . ."

He asked if that was the case.

Mr. CLAUSON said that that was one of the *damnosæ hereditates* of the Ottoman legal system. "Masha'a" was a system whereby the land was held in common and redistributed every three years. The Administration was now encouraging the dissolution of this system.



Mr. LUKE said that, in some cases, it was not an entirely unreasonable form of land tenure. Where the land was unequal in quality the peasants took it in turn to till the poor land.

M. VAN REES observed that this reform called for the utmost prudence. To abolish the system now in force without first obtaining the approval of all the parties concerned might lead to serious consequences.

Mr. LUKE fully agreed. In no case had or would the Administration make the change except with the consent, and indeed at the request, of the villagers concerned.

In reply to a question of Lord Lugard, Mr. Luke undertook to consider whether copies of a medium-sized map of the territory could be made available for the use of the Commission, since the map included in the report of the Shaw Commission was not entirely satisfactory, part of Palestine not being shown, and since the other map available was a large one in several sheets.

#### STOCK-RAISING.

Lord LUGARD, with reference to pages 13 and 14 of the Jewish Agency memorandum for 1929, noted that a certain amount of stock-rearing was contemplated in Palestine. Was it possible to devote areas to grazing when there was such a demand for land for intensive cultivation?

Mr. LUKE replied in the affirmative. There was a certain amount of grazing land in Galilee, especially round the lake of Tiberias. The dairying industry was of great importance for the health of the people, and was making considerable progress. Stock-raising, so far as the Jews were concerned, was for the dairying industry rather than for the production of meat.

#### INCORPORATION OF THE TERMS OF THE MANDATE IN THE LEGISLATION OF PALESTINE.

Lord LUGARD, with reference to the high court judgment reproduced in Appendix XVI, noted that the court had held in the case of Jamal Husseini that "the terms of the mandate are enforceable in the courts only in so far as they are incorporated by the Palestine Order-in-Council, 1922, or any amendment thereof". Had not the whole of the mandate been incorporated in the Order-in-Council?

Mr. LUKE replied that the reason lay in the fact that the Order-in-Council dealt with the manner in which Palestine was governed and not with the general principles outlined in the mandate. The mandate was not in a form in which it could suitably be incorporated in legislation of the British type.

Lord LUGARD pointed out that some question might arise before the high court in which the mandate would not be recognised.

Mr. CLAUSON said that the answer was that, as far as the Government of Palestine knew, all the necessary provisions of the mandate were already included in the Order-in-Council or the laws of Palestine. If a case arose in which the court found that the mandate required the Government to take some particular action, but that no legislation existed by which the Government could be required to do so, then special legislation would have to be passed to cover the matter.

#### NATIONALITY.

M. PALACIOS said that, at its twelfth session, the Commission had dealt with the acquisition of Palestinian citizenship by former Turkish subjects of Palestinian origin, but living abroad. The conclusion of Mme. Wicksell's report on this point had been adopted by the Commission and approved by the Council on March 5th, 1928.

The Commission had several times pointed out that the mandatory Power had fulfilled all its legal undertakings towards these persons of Palestinian origin. He did not think it necessary to recall the procedure established for this purpose by the mandatory Power. He would, however, point out: (1) That at its twelfth session the Commission had been informed by the mandatory Power that British consular officials would receive instructions to the effect that visas for return to Palestine could be granted without reference to Jerusalem to persons who were born in Palestine wishing to return to their country, either temporarily or in order to establish their homes permanently there, provided that they could prove that they had been born in Palestine and that they still possessed Turkish nationality. A further condition was that their actions should give rise to no objections of a political or other nature, and that they should not be suffering, so far as could be ascertained, from any of the diseases specified in regulation 12 (a), promulgated in virtue of the Palestine Ordinance of 1925 on immigration; (2) that Article 7, paragraph 5, of the Palestinian Citizenship Order-in-Council laid down that, in special cases, the High Commissioner could, if he thought fit, grant a certificate of naturalisation even if the stipulation of two years' residence required to obtain such naturalisation had not been fulfilled during the three years immediately preceding the date of the request.

In view of the fact that numerous petitions coming from persons who had been born in Palestine and now living in various foreign countries were constantly reaching the Commission





on the same point — a number of leagues had even been formed in America and Palestine — M. Palacios would be grateful if he could be informed whether the mandatory Power had instructed its consular agents in regard to the formalities required for the granting of visas for Palestine, and whether it had given the proper degree of publicity to the procedure adopted by it and agreed to by the Permanent Mandates Commission.

Mr. LUKE replied that the answer to both questions was in the affirmative.

#### CONCESSIONS.

M. ORTS, with reference to the statement on page 173 of the annual report regarding concessions, noted that there appeared to be only two concessions — the Dead Sea concession and the Tiberias Baths concession. Had these been the only concessions granted during 1929?

Mr. LUKE replied in the affirmative.

In reply to a further question by M. Orts, Mr. Luke undertook to submit in the next report a list of all the concessions granted up to date.

M. ORTS noted that in Appendix XIV, which dealt with the Dead Sea concession, it was said that the Government had undertaken the improvement of the Jerusalem-Jericho road for the benefit of the concessionaires. Had that been done under the terms of one of the clauses of the concession deed?

Mr. LUKE replied in the affirmative. Paragraph 25 (1) of the concession to be found on page 190 of the report stipulated that the Government would, within two years of the date of the concession, render the Jerusalem-Jericho road fit for heavy lorry traffic, and would maintain it so long as the company required to move its products by road transport.

In reply to a further question by M. Orts, Mr. CLAUSON explained that Appendix III gave full details of the Tiberias Baths concession.

#### HAIFA HARBOUR WORKS.

M. ORTS, referring to Appendix X, noted the reasons given in justification of the decision not to invite public tenders for carrying out the Haifa Harbour works. The public works in question were the most important which had been decided upon during the year under review. He appreciated the reasons which had led the Administration not to issue an invitation to tender, namely, the difficulty of employing local labour, partly Arab and partly Jewish, with different scales of salary, and the fact that the quarries from which the stone was obtained for the construction of the port included a site of archaeological interest which must be preserved.

He would like to know, however, whether the Administration considered that the system of public tender was still the rule, and whether it would have recourse to that system whenever possible.

The CHAIRMAN said that, while M. Orts might be satisfied with the reasons why, in this instance, no request for public tenders had been made, he was not. In all countries where tenders were called for, the specifications must contain certain clauses such as those requiring the employment of a certain proportion of local labour, and the preservation of antiquities. He considered that it would have been better for the Administration of Palestine to have called for tenders in this case, rather than to have decided to do the work itself.

M. ORTS observed that the point made by the Chairman would have had more immediate interest if preference had been given to one contractor rather than to another. In this case, however, it was the Government itself which carried out the works, and, as they were of undoubted public interest, there was nothing more to be said about it.

Mr. LUKE said that M. Orts had put correctly the facts in the case. At the same time, he must very respectfully but very firmly reject the Chairman's suggestion that the reasons indicated for the Government undertaking the work itself were merely pretexts for not giving out the work to private contractors.

As he had said at the previous meeting, the question of Jewish labour was a very delicate one and the terms upon which the Palestine Government Loan, from which the work was to be financed, had been obtained, required that fair rates of wages should be paid. There were all kinds of difficulties with which a Government would be able to cope, but which, it was felt, could not be dealt with by a firm from outside having no knowledge of economic and political conditions in the territory. Furthermore, the place from which the stone was to be taken had been found to contain the most valuable palæolithic remains ever discovered outside Europe, and that was another reason which had determined the Palestine Government to undertake the work itself.

M. ORTS pointed out that Appendix X said :

“ In the circumstances it was decided . . . that the work must be carried out departmentally by the Palestine Government, contracts being let out locally for the supply of materials or the execution of sections of the work, as circumstances permit. No discrimination would be exercised in the allocation of these local contracts.”



He asked whether he was correct in understanding that the work would be carried out as Government work (*en régie*), although for certain minor matters the Government might have recourse to sub-contractors.

Mr. LUKE replied that the work was actually in progress at the moment and was being carried out by the Government with machinery imported by the Government. The local contracts referred only to the supply of small quantities of local stone and other minor parts of the work.

M. RAPPARD pointed out that the mandate for Palestine, unlike the others, contained no clause regarding economic equality in the matter of concessions.

M. ORTS recalled that he had explained his point of view on the principle of the question in a report submitted during the sixteenth session (Minutes of the Sixteenth Session, Annex 10). According to his conclusions, the decision of the mandatory Government, in the case of the Haifa Harbour works, could give rise to no criticism.

Mr. LUKE said that he must protest strongly against the suggestion that the principle of economic equality had been infringed. He did not think that it could be questioned that the Palestine Government had the right to carry out its own public works if it saw fit.

Neither the Palestine Government nor any other Government could properly be required to employ contractors to carry out work which it could carry out with its own officers and from its own resources.

M. RUPPEL asked whether the plant in use for the construction of the harbour works (page 221) had been obtained in Palestine or imported.

Mr. CLAUSON said that the plant had no doubt been obtained from outside Palestine through the Crown Agents for the Colonies. It was a standing order that, in contracts of that kind for Palestine, the Crown Agents must not confine themselves to British tenders, but must accept the best tender offered, irrespective of the nationality of the tenderer.

M. RUPPEL asked whether there had been a public tender in this special instance.

Mr. CLAUSON was unable to say whether the supply of plant had been put up for public tender or whether the Crown Agents had addressed themselves only to firms which were known to be experts in the kind of work involved; but, in any case, competitive tenders were no doubt obtained.

#### PETITION RELATING TO THE EXPLOITATION OF THE RICHES OF THE DEAD SEA.

The CHAIRMAN said that, in a letter dated January 22nd, 1930, M. J. Husseini had forwarded to the Secretariat a copy of a memorandum on the exploitation of the riches of the Dead Sea, and had stated at the same time that the memorandum, which was accompanied by a petition, would be transmitted through the mandatory Power.

Could the accredited representative say whether any such petition had actually been received by the mandatory Authorities and, if so, when could it be forwarded to the Mandates Commission for examination? The Chairman, of course, was aware that the regulations allowed the Mandatory six months to forward its observations on petitions communicated through it.

Mr. LUKE said that he was not personally aware that the letter referred to had actually been received.

#### EXPORT AND IMPORT TRADE.

M. MERLIN drew attention to the excess of imports over exports (page 47 of the report), the amount of excess being £P4,215,000. In what way was this apparent excess made up? Was it possible that the tourist traffic made good the very considerable deficit?

Mr. CLAUSON thought that there were five elements, and possibly more, to make good the excess of imports.

(1) There was the tourist traffic, which brought in a great deal of money, though he had no idea of the exact amount.

(2) Imports were estimated at their value on reaching the country, the value at that moment therefore representing almost the maximum in the course of their career, whereas exports were valued at the time of leaving the country; that was to say, at almost the minimum. They would appear at a much higher value in the imports of the other countries concerned.

(3) There was a large amount of Jewish capital entering the country.

(4) There were goods purchased with the Palestine Government Loan representing money borrowed abroad and therefore constituting an invisible export.



(5) There were the goods brought in (although in no large quantities as yet) by concession holders purchasing them out of capital raised abroad.

M. SAKENOBE asked whether the decline in imports of cotton piece goods, woollen tissues, silk tissues and wearing apparel (page 49), which had taken place notwithstanding the general increase in imports, was a result of the development of home industries.

Mr. LUKE said that that was in all probability the true explanation.

M. RAPPARD asked whether in future reports it would be possible to make a change in the way in which the tables of imports and exports were set out, so that the totals for the various years would appear in comparative columns instead of a mere statement of increases and decreases.

Mr. LUKE said that note would be taken of this request.

#### COST OF LIVING.

M. MERLIN pointed out that there had been a very considerable drop in the cost of living, 30.6 per cent as compared with 1922 and 4.3 per cent as compared with 1928 (page 46). He understood that, in the last few years, world retail prices had tended to rise, but in Palestine, apparently, there had been a considerable fall.

Mr. CLAUSON said that there were two explanations of this fact. First, he could not altogether agree with M. Merlin that there had not been a fall in world prices in 1929, especially in the wholesale as well as the retail prices of raw materials like cotton, rubber, etc. That was true at any rate of Great Britain. Secondly, there was a cause for the decline which was peculiar to Palestine. In 1922, Palestine had been at the top of the general trade boom and Palestine prices had probably been higher than world prices. They had since been adjusting themselves to the world level.

#### CUSTOMS AGREEMENT BETWEEN PALESTINE AND SYRIA.

M. MERLIN congratulated the mandatory Power on the conclusion of the Customs Agreement between Palestine and Syria, which would undoubtedly be of benefit to both territories.

Mr. LUKE associated himself very warmly with M. Merlin's remark concerning the Syro-Palestinian Customs Agreement.

#### EXPORT OF WINES AND LIQUEURS.

M. MERLIN asked what was the reason for the appreciable decline in exports of wines and liqueurs (page 46 of the report).

Mr. LUKE explained that the decline in the export of wine was due to reduced importation of Palestine wines into the Union of Soviet Socialist Republics and the United States of America.

M. MERLIN asked whether the decline had resulted in a reduction in vine-growing.

Mr. LUKE was unable to say whether the case was one of cause and effect, but it was a fact that, in certain parts, vine-growing was giving way to the cultivation of citrus fruits.

#### AGRARIAN CREDITS AND CO-OPERATIVE SOCIETIES.

M. MERLIN asked whether any real effort had been made to develop agrarian credits and co-operative societies. The question had already been referred to in the discussion on the Shaw report. These two matters had been indicated in that report as being two important elements if it were desired to link up the material interests of the two races.

Mr. LUKE thought that it was perhaps unnecessary for him to add anything to what Mr. Lloyd had already said with regard to agrarian credits. The system of co-operative credit had hitherto been propagated by the Jews, and to a less extent — because their numbers were less numerous — by the efforts of the German Christian Society. There were at the moment 208 Jewish co-operative societies, of which 57 were agricultural, 51 consisted of industrial producers, 40 were credit co-operatives, 51 land and building co-operatives and 9 of a miscellaneous character, with a membership of 35,000 serving the needs of 90 communities, 16 urban and 74 rural, having a total Jewish population of 141,142.

It had been calculated that about one in every five Jews in Palestine was a member of a co-operative association. The German Christians had one co-operative settlement society, two local co-operative dairies, one orange-growers' association and one consumers' store.



The Arabs had hitherto made no effort to emulate the co-operative system of the Jews, but Mr. Luke thought that the time was not far distant when they would see the desirability of either founding their own association or of taking advantage of any suggestions that might be made to them by the leaders of the Jewish co-operative societies to join in the Jewish co-operative societies or make use of them.

M. ORTS enquired whether the Administration had done anything to develop the co-operative spirit among the Arabs.

Mr. LUKE replied that no specific action had been taken other than the passing of legislation under which co-operative societies were established in Palestine. Indirectly, however, the Administration was making an effort to propagate the idea among the Arabs through the advice continually given by officials in that direction. There was no Government department for co-operative associations.

M. MERLIN regretted that he had received no reply to his question regarding agrarian credits, which were far more important than co-operative credits. The Shaw report said that agrarian credits were essential in order to allow Arab smallholders to make the best of their land and to prevent the creation of an agricultural proletariat, if proletariat there were.

Mr. LUKE agreed that the question was of supreme importance. It was one that the Palestine Government was studying at the moment and he would be very much surprised if nothing were said about it in the next annual report.

#### DEVELOPMENT OF AGRICULTURE AND ESTABLISHMENT OF THE PALESTINE AGRICULTURAL COUNCIL.

M. MERLIN asked why it had been found impracticable to set up in 1929 the Palestine Agricultural Council, foreshadowed in the previous year's report (page 95). The agricultural service was a matter of the utmost importance in a country like Palestine. Further, how did the sub-committees work?

Mr. LUKE thought that the failure to set up the Agricultural Council was almost certainly due to the disturbances.

M. MERLIN wished to draw the particular attention of the accredited representative to the importance of the agricultural service. In most of the French colonies, except Indo-China, the Administration had been somewhat slow in realising its importance, but the problem was a primordial one in such countries.

Mr. LUKE could assure M. Merlin that the Palestine Government was extremely alive to the fundamental importance of agriculture in a country like that committed to its care.

M. MERLIN wished to congratulate the mandatory Power on the increasing use of agricultural machinery and fertilisers in Palestine. Was the term "agricultural machinery" used to mean big machinery or merely small ploughs, and were the holdings on which it was used large or small?

Mr. LUKE replied that big agricultural machinery, such as tractors, etc., was generally used only in the Jewish agricultural colonies. But in the case of small holdings, too, modern agricultural machinery, such as iron ploughs, was driving out more primitive tools.

#### IRRIGATION.

M. MERLIN, with reference to the researches of the irrigation service, thought perhaps that these had not been carried out sufficiently rapidly. An irrigation service was an excellent institution if it worked properly, but in a country like Palestine it was of primary importance. He was somewhat disquieted by the passage on page 96 of the report stating that the water level on the coastal plains had receded appreciably. Was that an accidental phenomenon, or was it due to the drying-up, as had occurred in other countries, of the underground supplies?

Mr. LUKE replied that the phenomenon was a temporary one, and that there was no evidence of a general desiccation at the moment.

#### FORESTS.

M. MERLIN congratulated the Administration on the important work done for the preservation of forests, both publicly and privately. That question, in a country like Palestine, was one to which the highest importance must be attached, in view of the natural dryness and other climatic peculiarities of the country. He was specially glad to note the foundation of a society to encourage forestry, known as "Men of the Trees in Palestine". There was



no need for him to remind the accredited representative of the necessity of keeping careful watch to see that the forests did not suffer from the depredations of herds of goats and sheep.

Mr. LUKE especially appreciated M. Merlin's remarks because he himself was president of the "Men of the Trees in Palestine". In Cyprus, he had had special experience of the depredations of goats, which were far more dangerous to forests than sheep. Palestine was not a goat-raising country like Cyprus, and the few forests in the territory were well away from the risks of the depredations of goats.

#### BOYCOTT OF ARAB PRODUCTS BY JEWS AND *vice versa*.

M. SAKENOBÉ, with reference to the boycott by Jews of Arab products and the boycott by Arabs of Jewish products, in consequence of the disturbances, asked whether the accredited representative had any details as to the extent, the duration and economic effect of the boycott.

Mr. LUKE was unable to add much to the statement on page 8 of the report, because a boycott, especially of the kind which had occurred in Palestine, was a somewhat imponderable thing, for which it was difficult to produce accurate statistics.

M. SAKENOBÉ said that Oriental countries had had many experiences of boycotts, and he would therefore not press for further details, but pointed out that in a subsequent passage on page 8 it was stated :

"At Jerusalem, many Jewish merchants are setting up business in a new commercial centre, abandoning the Old City ; the Jewish shopkeepers of Jaffa are moving to Tel-Aviv."

That position appeared somewhat serious, and M. Sakenobé wished to know whether the process was still continuing.

Mr. LUKE said that the matter was not quite so serious as might appear at first sight, because, even before the boycott, quite a number of shopkeepers, in the Jewish quarter of the Old City of Jerusalem, had begun to move out to new centres which were beginning to arise, outside the walls, partly in consequence of the opening up of land owing to the sales of certain properties in the suburbs.

As to movements from Jaffa to Tel-Aviv, they were adjoining towns, with no unbuilt area between them. It was only natural that the relatively few Jewish merchants in Jaffa should move a little further north to Tel-Aviv.

#### TRANS-JORDAN FRONTIER FORCE.

M. SAKENOBÉ, with reference to the statement that, "in consequence of the outbreak of disturbances, the policy of progressively reducing the strength of privates in the Trans-Jordan Frontier Force to the figure of 525 has been suspended", observed that, while the policy of reducing the force might seem justified in view of the improvement in the international situation and the general atmosphere of tranquillity, it did not appear to him to be a sound one so long as the nomads in Trans-Jordan were allowed to carry arms.

It was true that the nomads in Trans-Jordan were exposed to raids from tribes across the frontier, but it was the duty of the Government to protect them. The principal task of the Trans-Jordan Frontier Force was not merely to protect the frontier but also to protect the nomads on the frontier from raids across it. If the force were insufficient for that purpose, it should be brought up to the requisite strength. The frontier tribes should only be armed as a temporary measure. It was an unsound policy as well as a dangerous one to permit a single class to take the law into its own hands.

Mr. LUKE replied that there was no intention at present of proceeding with the reduction of the Trans-Jordan Frontier Force. At the same time, a glance at the eastern frontiers of Trans-Jordan on the map would show that it would cost an unthinkable amount of money to maintain and provision in so inhospitable a country an adequate force to ensure that the Bedouin population, if disarmed, would be properly protected. Disarmament was an excellent thing, but it had to be general and not unilateral. Until the Bedouins on the other side of the frontier were disarmed, there could be no disarmament on the Trans-Jordan side.

M. SAKENOBÉ said he was aware of the difficulties, but pointed out that the question he had raised was the unsoundness of the policy of reducing the Frontier Force before the Bedouins had been disarmed.

Mr. LUKE repeated that there was no question at present of reducing the Trans-Jordan Frontier Force.



#### USE OF HAND-GRENADES DURING THE DISTURBANCES.

The CHAIRMAN asked whether the news relating to the alleged use of hand-grenades in the course of the disturbances was correct.

Mr. LUKE, speaking from memory, said that one or possibly two hand-grenades had been used. They were probably grenades left over from the time of the war.

The CHAIRMAN asked who had used them.

Mr. Luke asked permission to refresh his memory on the point by consulting the Shaw report.

#### SLAVERY.

M. VAN REES asked whether the mandatory Power had adhered on behalf of Palestine and Trans-Jordan to the International Slavery Convention of 1926.

Mr. LUKE thought that the answer was in the negative.

M. VAN REES said that he had been under the impression that the Mandatory had adhered to the Convention on behalf of Palestine. However that might be, he wished to ask whether slavery still existed in Trans-Jordan. He had handed to Mr. Luke a newspaper report affirming definitely that it did and that the Emir himself had a bodyguard consisting of slaves from Abyssinia and East Africa.

Lord LUGARD observed that an Ordinance for the abolition of slavery had been passed in Trans-Jordan in 1929 and asked what progress had been made under that Ordinance, apart from the International Convention.

Mr. LUKE said that he was unable to answer the question with regard to the progress made since the Ordinance had been enacted.

Some information on slavery in Palestine and Trans-Jordan would be found in Appendix VII of the report for 1924, where it was said :

" 2. At the present day many of the so-called Bedouin tribes of Palestine include a number of half-breed negroes, known as Abeed (literally slaves), and in certain tribes these persons form definite subsections. Although undoubtedly descendants of slaves, they are in no sense of the word slaves to-day, but enjoy equal rights with other members of the tribe to which they belong, in matters of tribal law, etc., including the possession of property."

#### *"Trans-Jordan.*

" The statement in paragraph 2 may also be applied to the semi-settled tribes of Trans-Jordan, but not to the Bedouin tribes properly so-called, such as the Beni Sakhr, Huwaitat and Beni Atia.

" The Sheikhly families of the true Bedouin tribes maintain considerable numbers of slaves as personal attendants, who include amongst their duties that of acting as bodyguard to their masters. These slaves are, more often than not, born into the service and are, as a rule, much better off than ordinary tribesmen.

" It being essential to tribal chiefs that they should have an immediate surrounding upon which they can trust implicitly, their slaves are treated correspondingly.

" The slaves are often placed in positions of great trust, and a very recent example of this may be cited. During 1922, at the time of the Akhwan raids in the Wadi Sirhan, Nuri Shaalan, the Chief of the Ruwala tribes, placed one of his slaves in complete charge of the village and important fort of Kaf.

" The slaves of the Sherifian family, of whom numbers accompanied the Amir Abdullah to Amman, are, apart from the more favourable conditions they enjoy, in precisely the same position as those mentioned in paragraph 3. It is stated that any attempt to alter the present status of tribal slaves is likely to be unpopular with the majority of the slaves themselves.

" So far as is known, there is at the present time no infiltration of slaves from the Hejaz into Trans-Jordan."

He suggested that Lord Lugard's point would be met if the next report contained a passage on the working of the 1929 Ordinance.

Lord LUGARD requested that this might be done. The extract read by Mr. Luke had been written in 1924 and the situation had entirely changed in view of the new Ordinance.

Mr. LUKE pointed out that the extract showed that even in 1924, before, that was to say, the Ordinance had been enacted, the situation could not be regarded as serious.



M. VAN REES asked whether the mandatory Power had done all it could to abolish the state of slavery, which was universally condemned by the conscience of civilised mankind.

Mr. LUKE replied in the affirmative and pointed to the Ordinance of 1929.

In reply to a question by Count de Penha Garcia, Mr. Luke suggested that it would be possible to ascertain the main lines of the Ordinance by consulting the text itself.

#### PROPOSED TREATY BETWEEN KING FEISAL AND THE EMIR OF TRANS-JORDAN.

The CHAIRMAN said he had heard that King Feisal, in a speech from the throne on November 2nd, 1929, had referred to his Government's proposal to conclude a treaty of friendship with the Emir of Trans-Jordan.

Could the accredited representative give the Commission any information regarding this Treaty?

Mr. LUKE said that he had no information in his possession on the point.

#### OFFICIAL LANGUAGES.

Mlle. DANNEVIG asked what was the position with regard to the teaching of the official languages in the schools. Was Hebrew taught in Arab schools and *vice versa*?

Mr. LUKE replied that the language of instruction in Jewish schools was Hebrew and in the Arab schools Arabic. The other languages were additional. He did not imagine that Hebrew was taught in the Arab village schools, though he thought it was taught in the town schools.

Mlle. DANNEVIG asked whether Arabic was taught in all the Jewish schools.

Mr. LUKE said that details would be given on this point in the next report. If Arabic were taught in the Jewish schools, that would no doubt be a great advantage to the Jews.

M. ORTS asked if it were true, as he had been told, that the Jews were learning Arabic because they found it to be an economic necessity to do so.

Mr. LUKE did not think that this was true as a generalisation. The Jews living in Jewish agricultural colonies adjacent to Arab villages learned some Arabic as a matter of practical politics, but that remark did not apply to Jews living in industrial towns. The Yemeni Jews and the Spanish-speaking Sephardi Jews, who had been established in the country for some centuries, also learned to speak Arabic as a matter of course. Of recent emigrants, however, it was only those in the Jewish agricultural colonies who learned Arabic.

M. ORTS asked whether the accredited representative had the impression that the difference of language was a hindrance to a *rapprochement* between the two races.

Mr. LUKE replied that the races were kept apart much more by the differences of environment, standards of life and historical traditions.

M. ORTS asked whether Hebrew still continued to spread as the usual language of the Jews and to oust Yiddish.

Mr. LUKE said that the development of Hebrew in Palestine in consequence of the Balfour Declaration was a most extraordinary phenomenon, and one that was not paralleled in any other country where attempts had been made to revive a more or less dead language. While it was true that the older men amongst the emigrants spoke Hebrew rather as an acquired tongue, the younger people and the children used it as their mother-tongue. It was safe to generalise that Hebrew was the language of the Jews in Palestine. The Jewish Press was entirely written in Hebrew and the Jews had come to think in Hebrew.

Mlle. DANNEVIG, referring to the decision of the Turkish Government that Turkish should in future be written in European characters, asked whether it was unthinkable for Hebrew and Arabic also to be written in European characters.

Mr. LUKE said that Mlle. Dannevig had made a very interesting suggestion and, he must confess, a novel one. He foresaw, however, great difficulties, because if the Arabs in Palestine were to adopt European characters, they would find it almost impossible to correspond with or take part in the literature of Arabs living outside Palestine. The Jews again were very much attached to the writing of Hebrew in Hebrew characters.

Mr. CLAUSON drew attention to a practical difficulty. The Arabs of Morocco and Iraq could understand Arabic written by a Palestinian Arab in Arabic characters, but would be unable to do so if it were written phonetically.



#### APPOINTMENT OF A BEDOUIN CONTROL BOARD IN TRANS-JORDAN.

Lord LUGARD asked for explanations concerning the Bedouin Control Board (page 139). How was the Board formed and how had it been started ?

Mr. LUKE replied that a tribal control board with statutory powers had been established by law in 1929 to deal with Bedouin affairs. It consisted of the Emir Shakir (a member of the Sherifian family) and the Officer Commanding the Arab Legion, together with a co-opted Bedouin Sheikh. The duties of the board were to control the movements of the Bedouin, to check raids and to settle inter-tribal feuds. Its powers included the infliction of imprisonment and fines on offenders.

Lord LUGARD observed that, unlike the Iraq Mejlis, this board included a European. The report stated that there had been " considerable expression of discontent with the form of government proposed ". Did that discontent relate to the system of parliamentary institutions and legislative Council of elected members and so on ? If so, what form of government was desired ?

Mr. LUKE said that there were a number of contributory factors. There were those who objected to the presence of the mandatory Power at all. There were others who objected to the presence of the Emir in the country, and so forth. There was an extreme nationalist element which even desired complete independence. The objections were not directed against parliamentary institutions as such.

#### JUDICIAL COUNCILS OF TRANS-JORDAN.

Lord LUGARD asked whether the two Judicial Councils, the Judicial Council of Discipline and the Senior Judicial Council (page 140), were recent creations and why there were two Councils.

Mr. LUKE regretted that he was unable to say when the two Councils had come into being, but drew attention to the statement on page 141 that the Judicial Council of Discipline had powers in regard to the discipline of officials of the Department of Justice, while the Senior Judicial Council was concerned with their appointment and promotion.

#### PUBLIC HEALTH IN TRANS-JORDAN.

Lord LUGARD asked what was the reason for the steady increase in infant mortality (page 160). It appeared that there were seven doctors in the country, and he took it that they were additional to the Government doctors in the Government hospitals.

Mr. LUKE thought that the real reason for the apparent increase in infant mortality was the fact that the statistics improved in accuracy as time went on. Statistics of this kind were always uncertain in their earlier stages. He had been told that, when infant mortality statistics had first been introduced into Nigeria, it had been recorded that there were more infant deaths than births.

The seven doctors referred to were additional to the Government doctors, but Mr. Luke was unable to state, without further reference, the total number of doctors in the country.

#### EDUCATION IN TRANS-JORDAN.

Mlle. DANNEVIG supposed that education in Trans-Jordan was given to the settled population and not to the Bedouin.

Mr. LUKE replied that it was very difficult to arrange for education for a population that was constantly on the move. An attempt, however, was being made in Trans-Jordan to provide some education for them.

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### THIRTEENTH MEETING.

*Held on Tuesday, June 9th, 1930, at 3.30 p.m.*

#### Examination of the Annual Report for 1929 (continuation).

Mr. Luke, Chief Secretary to the Government of Palestine, and Mr. Clauson, Colonial Office, accredited representatives of the mandatory Power, came to the table of the Commission.

#### TRANS-JORDAN : REPEAL OF THE PREVENTION OF CRUELTY TO ANIMALS LAW.

M. RAPPARD drew attention to the following paragraph (page 164, paragraph 14) :

“ The Legislative Council repealed the Prevention of Cruelty to Animals Law, 1925, under which much good had been achieved.”

Was that fact at all symptomatic? The report stated that a measure which had been useful had been repealed, but made no comment. Was the Legislative Council in Trans-Jordan in the habit of taking measures which appeared to be contrary to the best standards of civilisation?

Mr. LUKE replied that the matter was one in which, under the Agreement, the mandatory Power unfortunately had no right to intervene effectively in a policy of which it did not approve.

The Prevention of Cruelty to Animals Law gave certain powers to the Trans-Jordan Society for the Prevention of Cruelty to Animals, and the activities of that society caused a certain amount of comprehensible rather than justifiable irritation among the local population, who were not yet accustomed to the *ingérence* of such a body in their treatment of their own animals. For example, the law empowered the society to cause a camel, horse or mule, etc., suffering from sores to be taken into the animal hospital and kept there at the owner's expense. That had caused a certain amount of resentment, and the law was therefore repealed by the Trans-Jordan Legislative Council.

M. RAPPARD asked whether the general tendency of the Legislative Council in matters in which the British advisers could not interfere had been unsatisfactory.

Mr. LUKE replied that he did not know of any other example.

#### LIQUOR TRAFFIC.

Lord LUGARD noticed that there had been a very large increase in the excise duties and licence fees on liquor made for export. Was the increased quantity exported sent to Egypt, to which country he noted that 17,150 litres of pure alcohol had been exported? Did the increase in fees refer to locally manufactured liquor or to liquor imported for consumption in the country?

Mr. LUKE thought that the increase applied only to alcohol manufactured in the country.

#### EDUCATION.

Mlle. DANNEVIG observed that the report gave very interesting and detailed information as to education in Palestine and proved that the Palestine Government laid great stress on the question of education, which to her mind was essential under the present conditions.

How far, in Mr. Luke's opinion, were schools in Palestine used as a means of religious and political propaganda? It was evident that great stress should be laid on trying to make young people understand the importance of citizenship and of making both Jews and Arabs feel that they were Palestinians. Otherwise, it would be they who would be most liable to lose their heads in times of unrest and to make demonstrations like that at the Wailing Wall. Palestine would then continue to be a land of exceptional troubles instead of the Holy Land of peace.

Mr. LUKE fully appreciated Mlle. Dannevig's point. If propaganda was used in the strict sense, he was not aware of any evidence to indicate that the schools of one community or another were used for the furtherance of undesirable religious or national propaganda.



Mlle. DANNEVIG asked whether, in case such a thing happened, there were any regulations prohibiting instruction likely to produce dissension and lead to party propaganda. The new Education Ordinance in Iraq enacted in 1929 contained the following clause :

“ Instruction and inculcation corruptive to public morals or productive of dissension and dispute among the sons of the country and political and party propaganda are absolutely forbidden in schools.”

The punishments for such offences were given in the next clause.

Mr. LUKE was unable to answer Mlle. Dannevig's question, but, if there were no provision of this kind in the draft Education Ordinance which it was hoped to enact in the near future, he would be glad to take note of the Iraq provision so that the Palestinian educational authorities might consider the inclusion of a similar clause.

Mlle. DANNEVIG asked whether anything was done in schools to promote racial co-operation and mutual understanding. Mr. Snell had said in his report that it would be advisable to take steps to spread a knowledge of the history and the culture of the two races and of their respective contributions to civilisation. Leaders of sport and of the scout movement might make constructive efforts to bring Jewish and Arab children into contact and to encourage them to co-operate, avoiding, of course, unnecessary rivalry. She was very anxious to associate herself with these suggestions.

Mr. LUKE had no doubt that constructive suggestions of the kind to which Mlle. Dannevig had referred would be given careful attention. Undoubtedly, scouting and sports jointly conducted would have a great effect in eliminating racial feelings and in substituting loyalties of another kind. It had certainly been noticed that schools which took pupils of all the three religions had a tremendously unifying and solidifying influence.

Mlle. DANNEVIG suggested that the *per capita* grant of 500 mils to non-Government secondary schools fulfilling certain conditions was somewhat insignificant.

Mr. LUKE had no doubt that, if the Education Department were free to take what it wanted from the Palestine Revenues, it would take a great deal more than the Palestine Government, with its other commitments, could afford. Mlle. Dannevig would notice that the grant in question had already been raised from 200 mils to 500 mils per head.

In reply to a further question by Mlle. Dannevig, Mr. Luke said that it could be safely assumed that the 4,000 new pupils admitted to Government elementary schools included the 2,000 children who had had to be refused admission during the previous year.

Mlle. DANNEVIG noticed that it was stated (page 69) that practically all Jewish children received elementary education. A relatively small number of Arab children, however, went to school. Moreover, the Zionists provided eight years of elementary education, whereas the Government Arab schools only provided six years in towns and four years in villages, and very few of the children completed those years. Would not that be a severe handicap in the long run to the Arabs ?

Mr. LUKE pointed out that that would probably be the result if Arab education was stationary. It should, however, be remembered that the education of the Arabs had been at a very low ebb when the British Government had taken over the administration of the country, and was being progressively improved.

Mlle. DANNEVIG noticed from the table of matriculation results that the Arabs were apparently able to hold their own in secondary schools. Of those who had taken the matriculation examination, the greatest percentage of the successful students were Moslems. Could Mr. Luke give any explanation of the fact that out of 41 Moslems 18 had passed, whereas out of 44 Jews only 12 had passed ? Did the Moslems proceed from private schools ?

Mr. LUKE was unable to give any explanation.

Mlle. DANNEVIG wondered whether there was a misprint on page 65, where it was implied that, in 1929, out of 45 elementary town schools 29 were for girls. She would have expected to find a greater number of boys' schools.

Mr. LUKE replied that there were more girls' schools but that they were smaller.

Lord LUGARD asked what was meant by the Arab public system and the Jewish public system. Did it include both Government schools and grant-aided schools ?

Mr. LUKE replied that it referred to Government schools so far as the Arab schools were concerned, and to Zionist schools so far as the Jewish schools were concerned.

There were two elementary education systems in Palestine — the Government Arab schools and the Zionist school system, which started before the British occupation and which was subsidised by the Palestine Government to the extent of £P20,000 annually. The Zionist



schools were under the immediate control of the Zionist education authorities, but the Government exercised a certain amount of supervision through their inspectors.

Lord LUGARD asked whether the Government exercised any control over the "other schools" (page 72).

Mr. LUKE replied that the Government exercised control to a very much smaller extent. Government inspectors visited the schools, and the Government exercised control in the matter of examinations and ensured that the health regulations were observed, but that was all.

Lord LUGARD asked whether any general Education Board or Education Committee existed for the Jews or for the Arabs, or for both.

Mr. LUKE replied that there was no general Education Committee at present. Education Committees were, however, envisaged in the Education Ordinance, which was still in draft form.

Lord LUGARD asked whether the technical and agricultural schools (page 75) were solely for the Jews.

Mr. LUKE replied that two agricultural schools, one for Jews and one for Arabs, were being created out of the funds provided by the bequest of a certain wealthy Hong-Kong Jew called Kadoorie for the furtherance of agricultural education in Palestine.

The agricultural institution at Cremisan conducted by the Salesian Fathers was a Roman Catholic institution. There was also a German Christian technical institution.

Lord LUGARD asked whether there were any technical or agricultural schools for both Jews and Arabs, and for Arabs especially.

Mr. LUKE said that there were as yet no Government technical schools. Palestine was in a unique position. Owing to the interest it attracted from all parts of the world and from most of the great faiths of the world, a great many institutions were established and supported by various Christian and non-Christian bodies in the Holy Land; these, to a very large extent, supplied the need which would otherwise exist for Government technical institutions.

The Government had added to the Department of Education an experienced technical officer with wide experience of training in Arts and Crafts. Ultimately, as funds permitted, his appointment would no doubt lead to the establishment of Government technical institutions.

Lord LUGARD asked whether there were any Government scholarships for Arabs either to Beirut or to the Hebrew University. The Jewish schools seemed to be very well endowed with scholarships.

Mr. LUKE said that there were certain Government scholarships at Oxford and at Beirut. Particulars would be found on page 66 of the annual report. The Government scholar referred to in the first paragraph of page 76 was an Arab.

Mlle. DANNEVIG asked whether many suggestions had been received as to changes in the draft Education Ordinance published in the *Official Gazette*, and whether there was any chance of its being enacted soon.

Mr. LUKE replied that suggestions had been received. Mlle. Dannevig would realise that, in a country like Palestine, with various interests which did not always run parallel, there were many points of view to be considered. It was hoped, however, that the Education Ordinance would be enacted in the course of 1930. It would not be very different from the draft Ordinance.

M. SAKENOBE asked what was the special reason for the very poor demand by Arabs for secondary education. While the Jewish secondary-school pupils amounted to 1,363, there were only 369 Arab pupils, which seemed to be an extraordinarily small number.

Mr. LUKE pointed out that, before the British occupation, Arab secondary education was practically non-existent except for a few missionary schools. In reply to a further question by M. Sakenobe, Mr. Luke agreed that the explanation was partly the attraction of the mission colleges for the Moslems.

COUNT DE PENHA GARCIA observed that the essential aim of the mandate was to maintain a Jewish National Home, without prejudice to the native populations of the country, while giving the population of Palestine self-governing institutions, to promote the spirit of nationality and to give unity and coherence to the Palestinian nation. It was very difficult to bring about that object, but one means by which it could eventually be done was education. It seemed to him that it would be wise to endeavour to introduce mixed schools, at any rate mixed professional and secondary schools, and so to create a common education for members of the Jewish and Arab populations. These schools would set up an élite in Palestine. That would



be one of the most effective means of obtaining, not only identity of idea, but an improvement in the social situation which would permit future generations to live in the condition of accord which the mandate had in view.

Mr. LUKE fully admitted the wisdom underlying Count de Penha Garcia's remarks. No doubt, when the time came for the Government to create professional schools in Palestine, such schools would be common to all sections of the population. For the present, it must be remembered that the peoples of the Near East, so far as elementary education was concerned, were accustomed to having separate school systems according to their religion and language. That method existed all over the present and former provinces of the Ottoman Empire. It was deep-rooted in the history of the peoples, and, in view of the separate history of the Arab and Jewish elementary schools in Palestine, the differences of language and the old Arab ideas on the subject, it would be difficult to make any change in that respect in elementary education.

With regard to secondary schools, there were some — for example, the schools maintained by various Church of England organisations — in which Christian, Moslem and Jewish pupils were taken.

M. RAPPARD considered that Mr. Luke's reply brought out concretely what he thought M. Orts had in mind when he expressed the hope that the policy of the mandatory Power would become more active. The Commission had been told that tradition was against the fusing of schools, that education had always been carried on by religious bodies, that technical education was in the hands of the churches and of religious and national bodies, and so forth, and that "when the time came" the mandatory Power would doubtless consider the possibility of creating schools for both Jews and Arabs. Why had not the time come when the Administration had assumed authority?

An objection that was very often made to more vigorous Government action was that of finance, but it did not seem to him that the financial condition of Palestine was such as to render impossible the application of methods calculated to increase the productive capacity of the country. Palestine had a population which was thought by some people to be too considerable for its natural resources. It was obvious that the general state of agriculture in the Arab provinces was extremely backward. To improve the agricultural technique through agricultural education would appear to be one of the none too numerous ways in which the demands both of the Arabs and of the Jews could be satisfied simultaneously. What was the real obstacle on a road which, on this important point of professional education, would seem to lead to the application of the co-operative principle of the mandate?

Mr. LUKE replied that M. Rappard had very largely answered his own question. "When the time comes" might be translated by "when the money comes". The fact that two agricultural schools were being created out of private money under the Kadoorie bequest and not out of Government revenue did not diminish their value.

Mr. Luke had already called attention to the addition to the educational staff of a technical expert in arts and crafts whose appointment, it was hoped, would be the forerunner of developments on a larger scale. The Palestine Government had an enormous number of demands on its very slender resources and could only develop by degrees.

M. RAPPARD could only express the hope that the means would be made available. He judged that, if the Jew in Hong-Kong had not died, nothing would have been done. Although the resources were slender, Palestine was financially prosperous compared with several other mandated territories. He wondered whether this might not be a case for an appropriate grant-in-aid — recoverable or non-recoverable — from the mandatory Power, which would thus be clearly ensuring the rights and position of the non-Jewish element of the population, whilst facilitating and encouraging close settlement on the land. It seemed to him that a little more boldness might be wiser and more cautious in the long run than excessive caution.

The CHAIRMAN pointed out that even Article 22 of the Covenant of the League of Nations stated that the mandate should be entrusted to well-developed nations which, by reason of their resources, their experience or their geographical position, could best undertake this responsibility and who were willing to accept it.

Mr. LUKE could only say in reply to the Chairman and M. Rappard that the Palestine Government would not refuse any grant-in-aid offered either by the mandatory Power or from any other source.

#### PUBLIC HEALTH.

M. RUPPEL, in reading the chapter of the report on public health, together with the annual report of the Department of Health for the year 1928, which was communicated to the League of Nations in December last, had not gained the impression that the work of the Government in the very important field of public health already met, to the fullest extent, the needs of the country and the population. The cause seemed to be the insufficiency of funds allocated to the Department of Health. The expenditure on public health in 1929 had been just over £P100,000, or 5 per cent of the whole expenditure, while in 1921 it had been about £P146,000. That was a considerable decrease, but, in the meantime, there had been a considerable increase in the population and in the expenditure of the country.



The Jews were spending considerable sums for health purposes. He had seen from a Jewish publication that there were, for instance, two Jewish medical organisations, the Hadassah and the Kupat Holim, whose yearly budget was £P180,000, nearly twice as much as the Government was spending for health purposes.

The Government itself admitted that there was a lack of funds, and he would draw attention to the statement (page 86) that the population of large areas had been without adequate hospital facilities since the closing, for financial reasons, of the Government hospitals at Tulkarem, Ramleh, Majdal, Ramallah and Hebron. On the other hand, it was stated in the report of the Department of Health that the financial situation of the Government did not allow of any increase in the estimates of the Department in 1928, that there was therefore nothing new to record, that the proposals for the commencement of a tuberculosis survey, the extension of maternity and child welfare centres, midwives' training centres and extended provision for infectious diseases had had to be abandoned, and that the financial depression had had an effect also on other aspects of public health.

It seemed to M. Ruppel that that state of affairs was not truly satisfactory. He would like to know whether the Government of Palestine had any intention of remedying it, and would be able to do so in the near future, and particularly whether it would be able to increase the funds allocated to the Department of Health.

Mr. LUKE explained that, when the mandatory Power took over the Administration of Palestine, it did not take over a running concern. As the members of the Commission were aware, Palestine had not been a separate entity before the war, but had consisted simply of one *sanjak* and portions of a *vilayet*, without having had the benefits of an up-to-date and costly administration by the Turks. It had had practically no up-to-date official buildings or institutions owned by the Government. Consequently, the Palestine Administration had been obliged to set aside a considerable amount for capital expenditure out of its slender resources. In comparing the figure of £P146,000 for 1921 with £P101,000 for 1929, it should be remembered that the expenditure in the initial years had been largely capital expenditure.

The Health Department of the Palestine Government was an extremely efficient department, and had done a very great deal with relatively slender resources. M. Ruppel would observe that the 1929 expenditure was greater than that of 1928, although the general revenue had decreased. Mr. Luke submitted that 5 per cent of the general revenue of a country which had so many and such varied calls on its purse was not altogether a bad proportion.

Palestine was in much the same position with regard to public health as with regard to education. Owing to the interest taken in it by missions and outside institutions, it had the great advantage of an exceptionally large number of private hospitals and other sanitary and health institutions, notably the Jewish Health Organisation "Hadassah", which had spent and was spending considerable sums in Palestine. Obviously, it would be uneconomical for the Palestine Government to overlap with and duplicate work which was already being done by another institution. The Kupat Holim Institution, as he had explained at a previous meeting, was a Jewish labourers' health insurance society.

It was true that, unfortunately, owing to lack of funds, the Government had had to close certain small local hospitals, but the number of hospitals other than Government-owned hospitals in the country as a whole to a large extent made up for the lack of purely Government-owned hospitals.

An analysis of the figures given in the annual report (page 85) would reveal that there was one medical practitioner in Palestine to every 1,500 inhabitants, and one midwife to every 3,000 inhabitants, irrespective of age or sex.

M. VAN REES had received figures for the number of Arabs treated in Jewish hospitals; the number was very considerable.<sup>1</sup>

Mr. LUKE observed that that did not surprise him.

M. RAPPARD was struck, on the one hand, by the tremendous effort that was being made with Zionist money in the fields of education and public health, and, on the other hand, with the insistence of the mandatory Power that it could do very little on account of its scanty resources. Its resources would, of course, be infinitely more scanty without the imports due to the money that was being spent. It was obvious that, from a purely economic point of view, the country and the Administration had gained tremendously by the whole impact of the Zionist movement. Was it at all appreciated by the Arabs that, if there were no Jews and no Jewish money, there would be fewer resources for the Government and far less of the advantages from which the Arabs profited directly or indirectly?

Mr. LUKE said that, naturally, the Arabs were more affected by Jewish health institutions than by Jewish educational institutions. He thought that some of the more enlightened among the Arabs certainly realised the advantages in which they indirectly shared by what M. Rappard had called the impact of Jewish institutions.

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<sup>1</sup> *The Arabs of Palestine under British Mandate* (Documents on Palestine No. 4, London, 1930), page 5.



Among others, possibly another order of ideas prevailed—the idea common in certain parts of the East where there were peoples who preferred to be badly governed by their own people rather than well governed by outsiders.

Mr. CLAUSON, in reply to Lord Lugard, said that the vast majority of doctors and midwives were in private practice.

Mr. LUKE, in reply to a further question by Lord Lugard, said that information on the number of Government medical officers would be found in the Government Blue Book on Palestine.

Lord LUGARD asked that the next report should contain a table showing the amount spent on health services for a series of years.

Lord Lugard noted that a short-lived epidemic of trypanosomiasis had caused nine deaths among camels (page 92). Was there any sleeping-sickness in Palestine? He was not aware that camels were liable to that disease. Was it not a very great danger to the population?

Mr. LUKE replied that there were two forms of trypanosomiasis, one which attacked human beings and one to which only animals were liable. Only the latter was found in Palestine. Although he was not an expert in the matter, he believed that the infection in the case of the epidemic among camels came from Egypt or the Hejaz.

Lord LUGARD thought that perhaps the disease should be called by another name. He was not aware that the tsetse fly was found in Palestine or Hejaz.

#### CHILD MARRIAGE.

Mlle. DANNEVIG asked what was the situation in regard to child marriage. Had any legislation on the lines of that passed recently in India and Egypt been provided or contemplated by the Palestine Administration?

Mr. LUKE said that there was no problem in Palestine of the sort that existed in India. He could not say what were the minimum ages of marriage, but they could be ascertained.

Mlle. DANNEVIG had been informed that not a few Arab girls were married before the age of fourteen.

Mr. LUKE took note of Mlle. Dannevig's remark.

#### PUBLIC FINANCE.

M. RAPPARD asked what was the difference between "mulk land" and "miri land".

Mr. CLAUSON replied that, roughly speaking, mulk land was absolutely freehold, and miri land was State land over which there were private rights almost amounting to freehold. Mulk land was not liable to tithes, but miri land was. A full explanation of the exact difference would be found in Messrs. Luke and Keith-Roach's "Handbook on Palestine and Trans-Jordan".

M. RAPPARD took it that all the grants-in-aid referred to on page 23, paragraph 17, were for military purposes and that the figures relating to the contributions from the British Exchequer in 1929 were not yet complete. They must have been more considerable on account of the disturbances.

Mr. LUKE replied that that was so. The precise incidence of the expenditure in connection with the disturbances as between the Imperial and the Palestine Government was still under discussion.

M. RAPPARD noted that the Palestine Government had investments of about £P2,000,000, one-third of which was invested in Treasury Bonds and London County Bonds at 4½ to 5½ per cent. The larger part was lent to the Joint Colonial Fund, and he supposed also bore interest.

On the other hand, the debt charges were about £P100,000 (page 34) now that the Ottoman debts had been cleared up. That practically amounted to the interest on £P2,000,000. Had the Palestine Government considered the possibility of paying off its own debt with its investments? He took it that the interest received on investments was appreciably less than the interest paid on the debt.

Mr. CLAUSON explained that, as the Commission was probably aware, all the colonies, protectorates and mandated territories kept their accounts with the Crown Agents in London. Some of them wished to borrow money temporarily, usually pending the raising of a loan. Others had surplus balances, or had raised funds on loan and wished to lend them out until they were required for the works on which they were to be expended. These prospective borrowers and lenders were brought together within the Joint Colonial Fund. Interest was



charged to the borrowers and paid to the lenders at varying Bank rates. The remaining surplus funds were invested in short-term securities, and in some cases in long-term securities, to the best advantage. The result was that, if a mandated territory had funds at its disposal, it could have them practically at call in the Joint Colonial Fund at a rate of interest which was substantially above call rate, because there was always a "hard core" that could be invested in long-term investments, carrying a higher rate of interest.

The reason why Palestine did not pay its debts with its credits was that a great deal of the money which had been raised by the Palestine Government Loan was still waiting to be spent on the Haifa Harbour and various other public works. There was also a standing credit balance which the Government had to keep in its bank to meet fluctuations in revenue and expenditure.

The sum of £P100,000 represented the interest and sinking fund on the Palestine loan, which he believed was a 5 per cent loan.

Lord LUGARD noticed (page 11) that a sum of £P54,000, the interest on the unexpended portion of the Palestine loan and on surplus balances, had been paid to revenue. Should it not have been credited to the sinking fund for the capital sum?

Mr. CLAUSON replied that it was the normal practice to pay into revenue the interest earned by an unexpended loan which was waiting to be spent. Loans were raised for the exact amount of capital required and it was not necessary to increase that capital by the addition of the interest earned by the unexpended portion. The sinking fund was carefully calculated to amortise the loan in the period of the loan.

Lord LUGARD asked whether the system of commuting tithes had resulted in a loss to the revenue.

Mr. CLAUSON replied that it so happened that prices had fallen at the present time and the cultivators were paying rather more than if they had paid the ordinary 10 per cent. There had at one time been a loss, but there was now a profit.

#### DEMOGRAPHIC STATISTICS.

M. RAPPARD submitted the following remark, which he hoped the accredited representatives would be good enough to check.

He noticed from the figures for the three elements of the community, Christians, Moslems and Jews, that the birth rate was phenomenally high for the Moslems — 57.74 per thousand, which would everywhere be considered as a peak. The death rate was also very high for the Moslems, but was extremely low for the Jews. In spite of the high death rate among Moslems, the rate of natural increase per thousand of the population was very much larger than among the Jews, 26.06 as compared with 22.27. Inasmuch as it might be hoped that the death rate of the Moslems would diminish, whereas it would not seem possible for a decrease of a death rate of less than 12 per thousand for the Jews, and inasmuch as it was probable that the birth rate of the Jews would decline more rapidly than the birth rate of the Moslems, the result would probably be a greater difference between the rate of increase of the Moslem population and that of the Jews. The birth rate of the Jews would probably decline more rapidly than the birth rate of the Arabs because it was probably due to a state of enthusiasm characteristic of the beginning of a movement like Zionism, which might not last, whereas the high birth rate of the Arabs was to be explained by other causes. The conclusion would seem to be very reassuring for the Arabs. In all probability it pointed to the fact that the natural increase of the Moslem population, which was already greater than the increase in the Jewish population, would become greater as time went on. How did that reasoning and its conclusions strike the accredited representative?

Mr. LUKE agreed with M. Rappard.

#### DRUG TRAFFIC.

Count DE PENHA GARCIA observed that, during the fifteenth session, it had been decided to ask for information regarding the agreements concluded between Palestine, Syria and Egypt for the repression of the drug traffic. This information was given in the report for 1929. They appeared to be working well, but Count de Penha Garcia hoped that the next report would give figures relating to the number of persons sentenced and the quantity of drugs seized.

Mr. LUKE believed he could promise that such figures would be given in the next report. If Count de Penha Garcia wished to have the figures sooner, he would find them in the annual report to the Permanent Central Opium Board.

#### CLOSE OF THE HEARING.

The CHAIRMAN noted that the Commission had now concluded its discussion of the annual report. In the name of the Commission, he thanked Mr. Luke for his collaboration in the work and for the aid which he had given during the discussions and exchange of views which had taken place.



Mr LUKE thanked the Chairman and the members of the Commission on behalf of Mr. Clauson and himself for their consideration during the discussion of the annual report. They very much appreciated the fact that the Commission was satisfied with the form in which the report had been presented and had expressed their pleasure at the fuller treatment of Trans-Jordan.

They also wished to thank the members of the Commission for the constructive criticism they had been good enough to offer. Such criticism would be carefully and gratefully taken into consideration by the Palestine Administration.

Finally, he would like to offer the Chairman his very sincere thanks for the extremely sympathetic and considerate remarks he had been good enough to make regarding Mr. Luke.

#### **Preparation of the Report to the Council : Question of Procedure.**

An exchange of views took place regarding the procedure to be followed for the preparation of the report to the Council.

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### **FOURTEENTH MEETING.**

*Held on Wednesday, June 11th, 1930, at 10.15 a.m.*

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#### **Preparation of the Report to the Council : Question of Procedure (continuation).**

The Commission continued its exchange of views regarding the procedure to be followed in the preparation of its report to the Council.

#### **Memorandum of the Zionist Organisation, dated May 2nd, 1930, on the Development of the Jewish National Home in Palestine in 1929.**

M. SAKENOBÉ said that the memorandum was presented each year, not in the form of a petition, but for purposes of information. The mandatory Government had transmitted the memorandum to the Commission, together with its observations on certain points raised in the memorandum for purposes of information. The Commission, therefore, dealt with the memorandum as it would deal with a petition.

M. Sakenobé read his report (Annex 4).

M. RAPPARD suggested that the final paragraph should read as follows :

“ Neither the memorandum nor the observations of the mandatory Government would seem to give occasion for a special recommendation to the Council ” ;

and suggested that the following sentence should be added :

“ Several of the points raised are dealt with in the Commission’s general report to the Council.”

M. SAKENOBÉ accepted these two amendments.

*The conclusions of the report were adopted.*

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### **FIFTEENTH MEETING.**

*Held on Wednesday, June 11th, 1930, at 3.30 p.m.*

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#### **Preparation of the Report to the Council : Question of Procedure (continuation).**

The Commission continued its exchange of views as to the form of its report to the Council.

After discussion, *the Commission decided to constitute a Drafting Committee composed of the following members : M. MERLIN, M. RAPPARD, M. ORTS and M. VAN REES.*

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## SIXTEENTH MEETING.

*Held on Tuesday, June 17th, 1930, at 3.30 p.m.*

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### Opening Date of the Eighteenth (Ordinary) Session.

After an exchange of views, *the Commission decided to hold a public meeting on Wednesday, June 18th, at 10 a.m., for the purpose of opening the eighteenth (ordinary) session and hearing the speech of the Chairman and the statement of the Director of the Mandates Section. Passing then to a private meeting, it would proceed to examine the annual report on Tanganyika (1929).*

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## SEVENTEENTH MEETING.

*Held on Thursday, June 19th, 1930, at 12.30 p.m.*

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### Petitions.

A note by the Chairman on the communications received concerning the recent events in Palestine (second list) was read (Annex 8B).

*The Commission approved of the conclusions of the Chairman's note.*

M. RAPPARD read his report (Annex 5) on the petitions concerning the Wailing Wall.

*The Commission approved of the conclusions of M. Rappard's report.*

M. PALACIOS read his report (Annex 6) on the petition from M. Ihsan el Djabri, dated September 7th, 1929.

*The Commission approved of the conclusions of M. Palacios' report.*

M. PALACIOS read his report (Annex 7) on the telegram dated September 1st, 1929, from the Nablus Arab Executive Committee, forwarded by the British Government with its observations on November 8th, 1929.

*The Commission approved of the conclusions of M. Palacios' report.*

Count DE PENHA GARCIA read the following report on the petition of the Syro-Palestinian Executive Committee, transmitted by its Secretary-General by wire on January 8th, 1930.

“ By a telegram dated January 8th, 1930 (document C.P.M. 1018), the Syro-Palestinian Committee forwarded to the League of Nations a protest against the alleged arbitrary arrest and ill-treatment of the Sheik Abdelkader Mossaffar, former Mufti of Jaffa.

“ The signatory of the telegram added no details concerning the subject of the petition.

“ The mandatory Power has not yet forwarded its observations on the telegram.

“ During the present extraordinary session, the representative of the mandatory Power stated that he had no exact information on the facts mentioned by the petitioner.

“ In these circumstances, I think we should await the observations of the mandatory Power on the petition submitted to the League of Nations before examining it further. ”

*The Commission approved of the conclusions of Count de Penha Garcia's report.*

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## EIGHTEENTH MEETING.

*Held on Thursday, June 19th, 1930, at 5 p.m.*

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### **Report to the Council.**

The CHAIRMAN, on behalf of the Commission, warmly thanked the Drafting Committee for the excellent work it had done, and for the way in which it had found an adequate expression of the opinion of the members of the Commission on the substance of the question.

The Commission began the examination of the draft report to the Council, submitted by the Drafting Committee.

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## NINETEENTH MEETING.

*Held on Friday, June 20th, 1930, at 10 a.m.*

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### **Report to the Council (continuation).**

The Commission continued the examination of the draft report to the Council.

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## TWENTIETH MEETING

*Held on Friday, June 20th, 1930, at 3 p.m.*

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### **Report to the Council (continuation).**

The Commission continued the examination of the draft report to the Council, and adopted the final text (Annex 10).

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## TWENTY-FIRST MEETING.

*Held on Saturday, June 21st, 1930, at 11.15 a.m.*

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### **Publication of the Report of the Commission on the Work of the Session.**

The CHAIRMAN said that, before the close of the extraordinary session, he would ask the Commission to express an opinion on a point of procedure.

He had informed his colleagues at the sixteenth session (Minutes of the Sixteenth Session, page 127), that the Assembly had, on September 25th, 1929, adopted the following resolution :

“ The Assembly requests the Council to authorise the Secretary-General to communicate the reports of Advisory Committees to all Members of the League at the same time as they are communicated to the Members of the Council, except in cases where the Committee concerned is opposed to such a course.”

On the same day, the Council decided to give the Secretary-General immediately the authorisation requested by the Assembly. According to the terms of the resolution, the Commission therefore had itself to decide whether there were any special reasons why the report on the work of the present session should not be published immediately.

It seemed to the Chairman that the publication of its report must be subject to the carrying out of a formality arising from paragraphs (e), (f) and (g) of the Commission's Constitution.



According to the terms of that Constitution, the reports of the Commission must, before they were communicated to the Council, be submitted to the accredited representatives of the mandatory Powers concerned, in order that they might have an opportunity of commenting on them. Any observations which the accredited representatives wished to make must be annexed to the report of the Commission when it was sent to the Council. They must also be published at the same time as the report.

The report of the extraordinary session of the Commission could therefore in no case be published before the Secretariat had received the observations of the accredited representative of the mandatory Power or a declaration to the effect that he did not wish to make any observations.

That being so, the only point which it seemed to the Chairman necessary to decide was whether, in accordance with the practice adopted at its ordinary sessions, the Commission considered that its report formed a whole with the Minutes of the discussions of the session, and could not therefore be distributed without them. In asking his colleagues to express their opinion on that question, the Chairman wished to draw their attention to an essential difference between the report on the work of the extraordinary session and the reports which the Commission usually prepared during its ordinary session. The latter only contained brief remarks, the sense and scope of which could only be appreciated by consulting the relevant Minutes. Such was not the case with regard to the report on the work of the present session, which summarised most of the arguments and considerations developed during the session.

On the other hand, the printing of the Minutes of the extraordinary session could hardly be completed before the beginning of August, and he wondered whether the effect which the Commission had a right to expect from its report would not be increased if the report were published immediately.

After an exchange of views, *the Commission decided that the publication of the report on its seventeenth (extraordinary) session would take place as soon as possible, together with the comments of the accredited representatives and the Minutes of the session.*

#### **Adoption of the List of Annexes to the Minutes of the Session.**

The CHAIRMAN submitted a draft list of annexes to the Minutes.

*The Commission adopted this list.*

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ANNEX 1.

C.P.M.1021.

STATEMENT BY THE ACCREDITED REPRESENTATIVE TO THE  
PERMANENT MANDATES COMMISSION.<sup>1</sup>

1. The Permanent Mandates Commission are aware of the circumstances in which a Special Commission, under the Chairmanship of Sir Walter Shaw, was appointed by the British Government in September last, "to enquire into the immediate causes which led to the recent outbreak in Palestine and to make recommendations as to the steps necessary to avoid a recurrence". After an exhaustive investigation conducted on the spot, the Commission presented its report on March 12th, 1930. The report was published in Great Britain as a Parliamentary Paper at the beginning of April, and copies were at the same time forwarded to the Secretary-General of the League of Nations for distribution to members of the Permanent Mandates Commission.

2. Following upon the publication of the report, the Prime Minister of Great Britain made a statement in the following terms in the British House of Commons on April 3rd, 1930 :

"His Majesty's Government will continue to administer Palestine in accordance with the terms of the mandate as approved by the Council of the League of Nations. That is an international obligation from which there can be no question of receding.

"Under the terms of the mandate, His Majesty's Government are responsible for promoting 'the establishment in Palestine of a National Home for the Jewish people, it being clearly understood that nothing shall be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country'.

"A double undertaking is involved, to the Jewish people on the one hand, and to the non-Jewish population of Palestine on the other ; and it is the firm resolve of His Majesty's Government to give effect, in equal measure, to both parts of the declaration, and to do equal justice to all sections of the populations of Palestine. That is a duty from which they will not shrink, and to the discharge of which they will apply all the resources at their command.

"The report of the Shaw Commission, which is in the hands of Honourable Members, covers a wide field. The Commission was appointed to consider the immediate causes of the deplorable disturbances of August last, and to suggest means of preventing a recurrence. In endeavouring faithfully to carry out the terms of reference, the Commission must have found it difficult to draw lines very rigidly. The Government is now studying the various recommendations of the Commission, with a view to dealing with the immediate causes of the outbreak and to preventing a recurrence, and is in consultation with the interests concerned.

"I wish it to be understood that this statement includes the immediate provision of the police forces required to secure civil peace under existing circumstances."

3. His Majesty's Government have now given further consideration to the various conclusions and recommendations of the Commission of Enquiry. But, before proceeding to the discussion of details, they would wish to offer some preliminary observations of a more general nature. The difficulties arising out of the peculiar character of the Palestine Mandate are well known. There is no need to labour this aspect of the question, since it is one with which the Permanent Mandates Commission are already familiar. It was discussed in detail in the course of the observations recorded by the Commission (in November 1924) on the first report on the administration of Palestine that came under their examination. The Commission then remarked that, whereas all the other mandates the application of which they had hitherto examined were only intended to give effect to the general principles of Article 22 of the Covenant of the League of Nations, the mandate for Palestine was "of a more complex nature", in that it imposed upon the mandatory Power a "two-fold duty", viz, that of promoting the establishment of a National Home for the Jewish people, in addition to that of administering the country in conformity with the interests of the population as a whole. The result, as the Commission pointed out, was to create a "conflict of interests" between which the balance had to be held. The observations recorded by the Permanent Mandates Commission in November 1924 have lost none of their relevance at the present time. The conflict of interest remains, and the task of holding the balance has certainly not decreased in difficulty. The situation is one of great delicacy, calling for the exercise of all possible patience and circumspection. That it has certain unsatisfactory

<sup>1</sup> Note by the Secretariat. — This document was transmitted by the British Government to the members of the Permanent Mandates Commission and the Secretary-General on May 20th, 1930. It has also been published as Cmd. 3582.



features, as is pointed out in the Report of the Commission of Enquiry, His Majesty's Government are not concerned to dispute. Rather, they are more concerned to provide a remedy ; and to this task they mean to address themselves with all the resources at their disposal. They do not underrate the difficulties. The conditions under which remedial measures can be applied are strictly limited ; they are governed by the terms of the mandate and by the dual obligation which it imposes. Such measures cannot be devised or introduced at a moment's notice. Caution is essential, and the ground must be carefully examined before an advance can safely be made. For these reasons, His Majesty's Government are not in a position to formulate precise and concrete proposals in regard to all the points that the Commission have raised. On some at least of these points they can do no more than indicate provisionally the lines on which they hope to proceed.

4. Turning to questions of detail, His Majesty's Government accept generally the findings of the Commission of Enquiry under the following five heads, viz. :

- (i) Nature of the outbreak (page 158) ;
- (ii) Zionist complaints against the Grand Mufti of Jerusalem (pages 158 and 159) ;
- (iii) Zionist complaints against the Palestine Arab Executive (page 159) ;
- (iv) Zionist complaints against the Government (pages 159 to 161) ; and
- (v) Minor Arab grievances (page 163).

His Majesty's Government do not consider that these conclusions in themselves call for special action on their part. It will be noted, in connection with (ii), that Mr. Snell, one of the three Commissioners, in his " Note of Reservations ", has attributed to the Grand Mufti a greater share in the responsibility for the disturbances than is attributed to him in the report, and has expressed the view that the Mufti must bear the blame for his failure to make any effort to control the character of an agitation conducted in the name of a religion, of which, in Palestine, he was the head (page 172). As to this, reference is invited to the statement made on page 77 of the Commission's report to the effect that, whatever activities he may have indulged in outside the knowledge of the Government, in public the Mufti, both at noon on August 23rd and thereafter throughout the period of the disturbances, exerted his influence in the direction of promoting peace and restoring order. On this point, the report states, there was an absolute unanimity of opinion among the many official witnesses with whom the question of the Mufti's conduct was raised during the course of the Commission's enquiry. Mr. Snell also dissents from the conclusions in the report " acquitting the Moslem religious authorities of all but the slightest blame for the innovations introduced in the neighbourhood of the Wailing Wall ". On this point it is to be observed that the report (paragraph 7 on page 159) does not purport to assign any specific degree of blame to the Mohammedan authorities. The conclusion which it records is that " in the matter of innovations of practice, little blame can be attached to the Mufti in which some Jewish religious authorities also would not have to share ". His Majesty's Government do not feel that they can usefully offer any further comments on this branch of the question.

5. It may be convenient to deal in one paragraph with two important economic questions which are closely interrelated, viz., those concerning immigration and the land problem. The conclusions and recommendations of the Commission of Enquiry on these questions appear on pages 161, 162, 165 and 166 of their report. Mr. Snell has also expressed certain views and has made supplementary recommendations with regard to these questions in his " Note of Reservation ". It is in relation to these questions, and to that of immigration in particular, that the dual character of the mandate assumes its most significant aspect. This was recognised, in effect, by the Permanent Mandates Commission when, in the course of the Observations of November 1924, from which quotation has already been made, they selected the problem, of immigration (" perhaps the dominant issue of the present situation in Palestine ") as best illustrating their general exposition upon the operation of the mandate. The following passage from the observations states the problem so clearly that it may be quoted in full :

" It is obvious that, if the mandatory Power had only to take into consideration the interests of the population, its immigration policy ought to be dictated primarily by considerations of the economic needs of the country. It is, moreover, equally clear that, if the mandatory Power had not to take into account the interests of the Arab population, and if its sole duty was to encourage Jewish immigration in Palestine, it might be in a position to pursue an agrarian policy which would facilitate and expedite to a greater extent than its present policy the creation of a Jewish National Home."

That, stated succinctly, is the dilemma which has confronted, and still confronts, the mandatory Government. The policy which they have adopted, and which they had endeavoured to follow, is based upon the principle that immigration shall " not exceed the economic capacity of the country at the time to absorb new arrivals".

The soundness of this principle will hardly be challenged ; but its practical application is not without difficulty. The absorptive capacity of the country must be correctly gauged ; everything turns upon that. But, to gauge it correctly, many intricate considerations of land settlement, development, etc., must be taken into account ; and the margin for miscalculation



is necessarily wide. If there have been mistakes in the past, they must be avoided in future. But the question is too important, and too vital to the prosperity of Palestine, to be tackled hastily or without due consideration. His Majesty's Government have felt unable to formulate specific proposals without further expert examination of the whole problem in all its aspects. A highly qualified investigator has accordingly been appointed to proceed to Palestine on a temporary mission, in order to confer with the High Commissioner and report to His Majesty's Government on land settlement, immigration, and development. For this mission Sir John Hope Simpson, who is employed under the League of Nations as Vice-Chairman of the Refugee Settlement Commission in Greece, has been selected. He is now on his way to Palestine. The whole question of future policy in regard to immigration, land settlement and development will be considered and determined on receipt of Sir J. Hope Simpson's report. In the meantime, temporary measures are being taken with a view to safeguarding the position of certain elements in the population of Palestine. The question of a temporary suspension of immigration is under examination ; and legislation is to be introduced with the object of controlling the disposition of agricultural lands in such manner as to prevent the dispossession of the indigenous agricultural population. These temporary measures will be superseded in any case by such permanent enactments as may be decided upon when future policy is determined in the light of Sir J. Hope Simpson's report.

6. His Majesty's Government are also making enquiries with regard to the statement on page 161 of the report (paragraph 30), that the selection of immigrants under the labour schedule ought to be entrusted to the General Federation of Jewish Labour in Palestine. They are, further, in consultation with the High Commissioner for Palestine regarding the question, referred to at (c) on page 166 of the Commission's report, of providing credit facilities for Palestinian agriculturists.

7. On the important subject of constitutional development, the Commission of Enquiry have made no formal recommendation, beyond urging that, when the question again comes under review, regard should be had to their conclusion that the absence of any measure of self-government greatly aggravated the difficulties of the local administration. This is a question in which the Permanent Mandates Commission have from the first displayed an active interest. In their original observations of November 1924, they expressed their appreciation of " the persistent efforts of the High Commissioner to secure the co-operation of the Arab majority in the central administration of the country ". A year later, in October 1925, they expressed the hope that " an extension of co-operation, particularly in the conduct of municipal and district affairs ", might become possible in the near future. Further references to the subject appeared in the Commission's " Observations " both of June 1926 and of July 1927. The position, stated quite briefly, is as follows : The questions of " self-governing institutions " and of " local autonomy " are dealt with in Articles 2 and 3 respectively of the Palestine Mandate. Article 2 makes the Mandatory responsible for placing the country under such political administrative and economical conditions as will secure (*inter alia*) " the development of self-governing institutions ". Article 3 required the Mandatory, so far as circumstances permit, to encourage local autonomy. The steps taken for the establishment of municipal and local councils in Palestine are well known to the Commission. Nor is it necessary to refer in detail to the attempts that have been made in the past to introduce a measure of self-government for the country as a whole. These attempts are fully described in the report of the Commission of Enquiry. It will be apparent that the absence of any such measure of self-government in Palestine is not due to any lack of goodwill on the part of the mandatory Power. It must be a primary condition of any constitutional change in Palestine that the mandatory Government should reserve to itself the power of carrying out the obligations imposed upon it by the mandate. The question formed the subject of conversation with the delegation of Palestinian Arabs which lately came to England for the purpose of representing their views on future policy in Palestine. It has been made clear to the delegation that no measure of self-government could be considered which was not compatible with the requirements of the mandate. The matter is, of course, one which also deeply concerns the Jewish Agency.

8. On page 163 of the report, the Commission expressed certain views on the difficulties inherent in the mandate. Their recommendations on this point, as recorded on pages 164 and 165, include the issue of a clear statement of policy.

(1) Containing a definition in clear and positive terms of the meaning which His Majesty's Government attach to the passages in the mandate for the safeguarding of the rights of the non-Jewish community in Palestine ; and

(2) Laying down, for the guidance of the Government of Palestine, directions more explicit than any that have yet been given as to the conduct of policy on such vital issues as land and immigration.

The statement of British policy in Palestine, of which a copy is reproduced on pages 196 to 199 of the report of the Commission, was issued in 1922. The administration of the country has since been conducted on the general lines laid down in that statement, except that, for



reasons already explained, the proposed Legislative Council has never been brought into being. His Majesty's Government do not challenge the view that a further and more explicit statement of policy is required ; and it is their intention in due course to issue such a statement. Since, however, no such statement could be adequate or complete which ignored the vital questions of land settlement, immigration and development, it will be necessary to await the report of Sir J. Hope Simpson before giving effect to the Commission's recommendation. Their further recommendations relating to the functions of the Zionist Organisation and to the Palestine Zionist Executive (page 167 of the report) will also be adopted when the proposed statement is drawn up.

9. As regards defence and security, the Commission, on page 163 of their report, have expressed the view that the policy of reducing the garrison in Palestine and Trans-Jordan was carried too far. In this connection, the remarks made on page 157 of the report should be borne in mind. As is there admitted, the presence of troops or of British police in larger numbers on August 23rd, 1929, would not necessarily have prevented an outbreak. The experience of April 1920 and May 1921, when racial disturbances occurred — despite the strength of the garrison — points the other way. His Majesty's Government have at present under their earnest consideration the question of the composition and strength of the garrison to be retained in Palestine in the future. In the meantime, they do not propose to disturb the existing garrison of two battalions of infantry plus units of the Royal Air Force. Arrangements have also been made with a view to ensuring the despatch of reinforcements to Palestine with the least possible delay if need should arise. As regards the police, effect has already been given to recommendation (c) on page 168 of the Commission's report, that an independent enquiry should be made by an experienced police officer from some other dependency into the organisation of the Department of Police in Palestine. The officer selected for this enquiry, Mr. H. L. Dowbiggin, Inspector of Police, Ceylon, arrived in Palestine in January, and his final report is expected shortly. In the meantime, an additional 400 British police have been recruited for Palestine, and steps have been taken to increase the mobility of the British police. Mr. Dowbiggin has presented an *ad interim* report on the specific subject of the protection of outlying Jewish colonies ; and action is being taken on the lines recommended by him. A further increase in the number of British and Palestinian police is involved, and a scheme of defence, including the establishment and control of sealed armouries, is being brought into force. His Majesty's Government are fully satisfied as to the need for sealed armouries ; without them, the adequate defence of the colonies can be ensured only at a prohibitive cost. The question of improving the intelligence service and of forming a reserve of special constables, which formed the subject of the recommendations in paragraph 53 on page 167 and paragraph 55 (d) on page 168, are being taken up with the High Commissioner for Palestine.

10. With regard to the recommendation in paragraph 50 on page 166, the Permanent Mandates Commission are no doubt aware that the Council of the League have approved of the appointment of a Commission to define and determine Jewish and Moslem rites at the western or Wailing Wall.

11. There remain the recommendations in paragraph 52 on page 167 under the heading "Press Incitement". The High Commissioner has at present under consideration the enactment of legislation to provide for the better control of the Press. The suggestion made in paragraph 52 (b) will be duly considered in this connection. The High Commissioner's attention will also be drawn to the remarks on Press incitement included in the "Note of Reservations" by Mr. Snell (page 181).

May 1930.

## ANNEX 2.

C.P.M.1029(1).

### LIST OF DOCUMENTS <sup>1</sup> FORWARDED TO THE SECRETARIAT BY THE MANDATORY POWER SINCE THE EXAMINATION OF THE LAST REPORT RELATING TO PALESTINE.

#### I. *Annual Report and Legislation.*

1. Report by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland to the Council of the League of Nations on the Administration of Palestine and Trans-Jordan for the year 1929.

<sup>1</sup> Documents received by the Secretariat primarily for any of the technical organisations (*cf.*, Advisory Committee on Traffic in Opium and other Dangerous Drugs) or other Sections of the Secretariat (*cf.*, Treaty Registration) are not included in this list. Unless otherwise indicated, the members of the Permanent Mandates Commission should have received copies of all the documents mentioned in this list.

The annual reports and copies of laws, etc., are available only in the language in which they have been published by the mandatory Power.

The communications forwarded in reply to the observations of the Permanent Mandates Commission and certain other documents have been translated by the Secretariat and are available in both official languages. The titles of these documents are followed by the official number under which they have been published.



2. Memorandum containing Information in Supplement and Explanation of Certain Statistics given in the Annual Report.<sup>1</sup>
3. Ordinances, Annual Volume for 1929.
4. Proclamations, Regulations, Rules, Orders and Notices. Annual Volume for 1929.
5. Trans-Jordan Legislation 1929 (English version).

## II. *Various Official Publications.*

1. Report of the Commission on the Palestine Disturbances of August 1929, presented by the Secretary of State for the Colonies to Parliament by Command of His Majesty, March 1930 (Cmd. 3530).
2. *Official Gazette* of the Government of Palestine.<sup>2</sup>
3. Trans-Jordan *Official Gazette* in Arabic.<sup>2</sup>
4. Staff List showing Appointments and Stations on March 31st, 1930.<sup>2</sup>
5. Letter dated November 18th, 1929, from the British Government transmitting a Memorandum on the Jewish and Moslem Rights and Claims at the Western or Wailing Wall, Jerusalem (Article 14 of the Mandate). (Printed as Annex 11 to the Minutes of the Sixteenth Session of the Permanent Mandates Commission (document C.538. M.192.1929.VI, page 198).)
6. Letter, dated May 20th, 1930, from the British Government transmitting a Statement with regard to British Policy in Palestine to be made by the British Accredited Representative at the Seventeenth (Extraordinary) Session of the Commission.<sup>3</sup>

## III. *Communications transmitted in Reply to Previous Observations of the Commission.*

1. Permanent Mandates Commission, Fifteenth Session. Letter, dated July 26th, 1929, from Sir John Chancellor, Representative of the British Government for Palestine and Trans-Jordan, accredited to the Permanent Mandates Commission, giving his Comments on the Observations of the Commission on the Administration of Palestine and Trans-Jordan during 1928. (Printed as an Annex to the Minutes of the Sixteenth Session of the Permanent Mandate Commission (document C.305. M.105.1929.VI, page 299).)
2. Permanent Mandates Commission, Twelfth Session, Council Resolution, dated March 5th, 1928. Letter, dated November 20th, 1929, from the British Government forwarding Information concerning the Lists of International Conventions prepared by the Secretariat (document C.P.M.632).<sup>4</sup>

## IV. *Petitions and Observations thereon.*

1. Telegram, dated September 1st, 1929, from the Nablus Arab Executive Committee, transmitted by the British Government with its Observations on November 8th, 1929 (document C.P.M.959).
2. Communication from the President of the Supreme Moslem Council of Jerusalem, transmitted on October 14th, 1929, by Telegram from the High Commissioner for Palestine (document C.P.M.958).
3. Petition, dated Amman (Trans-Jordan), June 21st, 1929, from M. Hussein el Tarawneh, transmitted by a Letter from the British Government, dated November 29th, 1929, and containing its Observations thereon (document C.P.M.984).
4. Observations of the British Government, dated March 22nd, 1930, on a Petition, dated September 7th, 1929, from M. Ihsan el Djabri (document C.P.M.999).
5. Observations, dated May 5th, 1930, from the British Government, on a Petition, dated November 6th, 1929, from M. Chekib Arslan and M. Ihsan el Djabri, in so far as it concerns the Hejaz Railway (document C.P.M.1010).
6. Petition, dated February 17th, 1930, from the Supreme Moslem Council, transmitted by the British Government on May 12th, 1930, with its Observations thereon (document C.P.M.1014).
7. Letter, dated June 2nd, 1930, from the British Government (document C.P.M.1032) transmitting a Memorandum from the Jewish Agency on the Development of the Jewish National Home in 1929, with its Observations thereon.

<sup>1</sup> Reproduced in document C.P.M.1022.

<sup>2</sup> Kept in the Archives of the Secretariat.

<sup>3</sup> See Annex 1.

<sup>4</sup> To be circulated later.



V. *Various.*

1. Letter, dated May 29th, 1930, from the British Government transmitting a Memorandum of the Jewish Agency for Palestine on the " Report of the Commission on the Palestine Disturbances, 1929 ", May 1930.
2. Letter, dated June 4th, 1930, from the High Commissioner for Palestine (document C.P.M.1040) transmitting a Memorandum submitted by the National Council (Vaad Leumi) of the Government of Palestine on the Position of the Jewish Community in Palestine.
3. Letter, dated June 7th, 1930, from the British Government transmitting a Letter, dated June 4th, 1930, from the Executive Committee of the General Federation of Jewish Labour in Palestine, with Enclosures relating to the Passage in the Report of the Palestine Commission of Enquiry.<sup>1</sup>

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ANNEX 3.

C.P.M.1037.<sup>1</sup>

COMMENTS ON THE STATEMENT MADE BY M. VAN REES  
AT THE FIFTH MEETING OF THE SEVENTEENTH SESSION  
OF THE PERMANENT MANDATES COMMISSION IN REGARD  
TO THE GENERAL CONCLUSIONS OF THE SHAW COMMISSION.

MEMORANDUM BY MR. LLOYD (ACCREDITED REPRESENTATIVE).

Before I offer any comment on M. Van Rees' statement, I wish to make it clear that I am speaking, not as an official apologist for the report of the Shaw Commission, but in the capacity of one who lately was Secretary to that body.

It is a cardinal principle in British administration that the signature by a civil servant of the report of a commission to which he has been the secretary does not imply his personal agreement with the contents of that report. My present comments should, therefore, not be taken as the expression of personal opinions. I am rather placing at the disposal of the Permanent Mandates Commission supplementary information (which cannot otherwise be made available to them) in regard to some of those passages in the report of Sir Walter Shaw and his colleagues which formed the subject of the statement made by M. Van Rees.

2. I will first deal with a question of fact. The Shaw Commission had access to the report of the Military Court of Enquiry of 1920 and took account of the findings therein recorded.

3. In the early part of his statement, M. Van Rees contended that the Shaw Commission had not paid sufficient attention to the fact that Arabs had attacked Jews on previous occasions (1920 and 1921), when the policy of the establishment of the Jewish National Home was less developed. M. Van Rees seems to suggest that the Commission have ignored what he regards as a fundamental racial antagonism and, if I understand him correctly, he takes the view that this feeling of antagonism was the real cause of the earlier outbreaks which occurred when political and economic factors were of less importance. While the Shaw Commission does not at any point suggest that there has ever been any great sympathy between the two races, it was impressed by the fact that, until the adoption of the National Home policy, there was at least Arab tolerance towards the Jews ; the later expression of racial antagonism therefore seemed to the Commission to be attributable to factors which have become operative since the introduction of that policy rather than to any more fundamental cause.

4. I will next endeavour to explain the reasons which led the Shaw Commission to record the view that " the outbreak neither was nor was intended to be a revolt against British authority in Palestine ". The matter, being of the highest importance, was naturally one to which the Commission devoted considerable attention. As is explained on page 149 of the report, their finding was supported by the evidence of practically every witness who was questioned on the point. Further support was lent to it by certain established facts. For example, none of the Arab attacks were directed against British officials. The evidence laid before the Commission showed that, of the British officials who were killed, one was mistaken for a Jew and the other was shot in circumstances which indicated that he was not the personal object of attack. Moreover, there was no attempt by the Arabs to dislocate the machinery of

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<sup>1</sup> Kept in the Archives of the Secretariat.



Government by acts of sabotage as would almost certainly have been the case had the outbreak been a revolt against British rule.

5. M. Van Rees has contended that the Arabs would regard the British Government and not the Jews as the real cause of their political grievances. The Shaw Commission in its report recognised the effect on the Arabs of the alleged failure of the British Government to fulfil their war-time promises; but I would point out that M. Van Rees himself associates this feeling of the Arabs with resentment against the Zionists, who were said to have used their influence with the British Government to impose "an insuperable obstacle to the realisation of the national ambitions awakened during and after the war". A further consideration is that, as indicated on pages 124 and 125 of the report of the Shaw Commission, the Arabs of Palestine, noting the attitude of His Majesty's Government towards Arab political aspirations in Iraq and Trans-Jordan — the latter a country that relatively is politically immature — would have reason to regard the presence of the Jews in Palestine as an obstacle to their own political advancement. The Shaw Commission therefore felt that the Arabs were not likely to have any animus against British authority as such.

6. As Secretary to the Shaw Commission, I could not properly follow M. Van Rees into a discussion of the war-time commitments of His Majesty's Government in regard to Palestine, since the Commission (page 125 of its report) took the view that it did not fall within the scope of the enquiry to examine and to comment upon the McMahon correspondence. Moreover, my remarks, made when replying to M. Van Rees' last point, would cover any argument based on a consideration of those war-time commitments.

7. In the section of his statement entitled "Complaints of the Jews", M. Van Rees draws the conclusion that the report of the Shaw Commission failed to pay sufficient attention to "the *rights* of the Jews to live and carry on their activities in Palestine". It is true that the Commission did not examine "the legal side of the position of the Jews in Palestine". Any such investigation was, in its opinion, clearly excluded from its purview. Moreover, the absence of a critical examination of the legal position of the Jews in Palestine, so far from implying that the establishment of the Jews in that country had no legal basis, was rather a tacit acceptance of the fact that their legal position there was unquestionable and did not call for discussion. That this was the view of the Commission is shown by the following passages or summaries of passages in the report :

(a) "During the past twelve years the Balfour Declaration has dominated the situation in Palestine. The Declaration was endorsed by several of the Allied Governments and was reaffirmed at the Conference of San Remo in 1920 ; it was subsequently embodied in the preamble of the Mandate for Palestine, approved by the Council of the League of Nations on July 24th, 1922, and each of His Majesty's Governments in this country since the war has followed in Palestine a policy based upon the Declaration " (page 11 of the report).

(b) "On page 21 of its report, the Commission, after reciting those provisions in the mandate which bear directly upon the establishment of a Jewish National Home in Palestine, discussed the *obligations* thereby placed upon His Majesty's Government."

(c) "In the first paragraph on page 136 of its report the Commission clearly indicated that it regarded the Balfour Declaration, not only as the basic instrument of British policy in Palestine, but as the document where the administration in that country might expect to find a definition of the principles which should guide it."

8. M. Van Rees is mistaken when he says that "the Commission seemed to have attached no importance to the basis of the statement contained in the White Paper of 1922, which it did not even quote". Such was the importance that the Commission attached to this statement that (see page 139 of the report) it reproduced the whole of it in Appendix V to that document.

9. If I have appreciated the argument used by M. Van Rees in the latter part of his remarks about the complaints of the Jews, it is that the Shaw Commission should have investigated the alleged failure of His Majesty's Government and the Palestine Government to give effect to certain articles in the mandate, and should itself have undertaken a critical examination of these articles. I would point out that the Commission could properly take cognisance of these matters only in so far as they affected the feelings of the Arabs and so gave rise to an attack on the Jews. In so far as this aspect of the case was raised before the Commission, it took the form that the Palestine Government had shown a lack of sympathy towards the policy of the Jewish National Home, and in this manner had produced among the Arabs a feeling that the Government would be on their side in any measures, even when they assumed the form of violence, which they might take to negative that policy. With this aspect of the matter, the Commission dealt in paragraph 24 on pages 160 and 161 of the report, from which it will be seen that it took the view that the Palestine Government "did discharge to the best of its ability the difficult task of maintaining a neutral and impartial attitude between two peoples whose leaders have shown little ability for compromise".

10. In the early part of the remarks made by M. Van Rees in regard to the "Responsibilities of the Arabs", there would seem to be some confusion between, on the one



hand, the “premeditation and organisation of disturbances” and, on the other, “incitement and agitation”. To the majority of the Commission those two issues were quite distinct and while, as is shown by some of the extracts quoted by M. Van Rees, it found that racial feeling was stirred up in various parts of the country, it was not satisfied that there had been any organised campaign of incitement such as would have justified it in accepting as proved the charge of premeditation of the outbreak. Moreover, for three reasons (two of which M. Van Rees has criticised) the Commission recorded the view that the charges of premeditation and of organisation of the disturbances, if made in relation to the actual events of August 23rd, were negatived by the known facts. As regards the arguments advanced by M. Van Rees against two of the three reasons which influenced the finding of the majority of the Commission I cannot say more than that those arguments were among the considerations taken into account by those members of the Commission before they reached their conclusion. The third reason, not criticised by M. Van Rees but to which considerable importance was attached in the report (see page 81), was that, apart from one trivial incident, there was no attempt to employ even the most simple tactical means, such as the blocking of roads, the destruction of the railway line and telegraph routes, which would have at least increased the difficulty of suppressing the outbreak.

11. Most of the questions raised by M. Van Rees in regard to the Mufti of Jerusalem were subsequently answered by Dr. Shiels or Mr. Luke. The answer to others are :

(i) It was not denied by any party to the enquiry that the signature, purporting to be that of the Mufti, on the letter to which M. Van Rees refers, was a forgery ;

(ii) The conclusion drawn by the Commission from what they found to be the giving of false evidence by the Mufti was (see page 77 of the report) that he was doing what he wrongly imagined to be his duty to the people of whom he is the religious head.

12. Finally, I would repeat what Dr. Shiels has already represented to the Permanent Mandates Commission, namely, that, for the purpose of forming conclusions on questions of fact at least, the Shaw Commission had certain facilities which are not available here in Geneva. It heard the evidence tendered, it studied the demeanour of witnesses during examination and cross-examination, and, in its endeavour to arrive at the true facts, it had the benefit of the assistance of distinguished counsel, who tested evidence by cross-examination. In short, it is submitted as a general principle that findings based on long proceedings conducted on the spot and in the circumstances described above ought not lightly to be rejected.

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#### ANNEX 4.

C.P.M.1036.

### MEMORANDUM OF THE ZIONIST ORGANISATION, DATED MAY 2ND, 1930, ON THE DEVELOPMENT OF THE JEWISH NATIONAL HOME IN PALESTINE IN 1929.

#### REPORT BY M. SAKENOBÉ.

The Zionist Organisation has presented to the Mandates Commission, through the mandatory Government, a memorandum on the development of the Jewish National Home in Palestine in 1929, as it has done in previous years.

The memorandum deals with the following points : Population and vital statistics ; immigration and labour market ; agricultural colonisation ; urban development ; industry ; public health ; education ; organisation of Jewish community ; Jewish agency ; the disturbance of August-September 1929, and the Palestine Enquiry Commission ; Agreement embodying the constitution of the Jewish Agency, signed at Zurich, 1929.

The Zionist Organisation, in its covering letter, expresses its views with regard to the finding of the Palestine Commission of Enquiry on Jewish immigration and states that the alleged fears of the Arabs “for their economic future” have led the Commission to suggest that Jewish immigration should be curtailed and their freedom to purchase land restricted ; but, as such restriction of immigration or legislation on land purchase would mean “a virtual cancelling of the policy of the mandate”, they feel assured that, in view of the British Prime Minister’s declaration on April 3rd, the British Government stands by the policy of the mandate, and that no measures contrary to the policy of a Jewish National Home are contemplated by responsible persons in Great Britain.

In transmitting the memorandum, the mandatory Government presented various observations for purposes of information.



In the first place, it refers to the view expressed in the covering letter and states that the conclusions and recommendations of the Shaw Commission "do not contemplate the imposition of restriction on Jewish immigration and land purchase in Palestine, except in so far as such restriction may be necessary in the interest of the existing inhabitants, both Jewish and Arab". It adds that the whole question of policy in regard to land settlement, immigration and development will, however, be considered and determined on receipt of the report of the expert who was sent to Palestine to make investigations on these questions.

The mandatory Government proceeds to make the following comments on points of detail arising out of the memorandum.

The decrease in the number of Jewish labourers employed on Government and municipal public works was due to the inability of the Public Works Department to complete the programme of public works for 1929 (paragraph 9).

The cost of Jewish piece-work labour is not less than that of Arab daily paid labour; but, as regards production per man, the present position is that Jews are producing twice as much per man as the Arabs (paragraph 11).

In view of the considerable amount of the current expenditure of the Immigration and Travel Section of the Palestine Government, and of the excess of expenditure over annual revenue of the Department, the reduction of the present rate of immigration fees is considered impracticable (paragraph 13).

With regard to the question of the defence of Jewish colonies, the Government has at present a scheme under earnest consideration, as explained to the Mandates Commission in paragraph 9 of the British accredited representative's statement (paragraph 21).

The construction of the Haifa Harbour has been undertaken by the Haifa Harbour Works Department, which is independent of the Public Works Department, and the average number of Jews employed daily in April was 80 and that of Arabs 485 (paragraph 36).

Finally, the Government has approved the payment, as an act of grace, of 50 per cent of the sum applied for in respect of the services performed by Jewish hospitals during the disturbances of August 1929.

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Neither the memorandum nor the observations of the mandatory Government would seem to give occasion for a recommendation to the Council.

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## ANNEX 5.

C.P.M.1038.

### PETITIONS CONCERNING THE WAILING WALL.

#### REPORT BY M. RAPPARD.

Among the petitions concerning the Wailing Wall, there are two which appear to call for some brief comments on the part of the Commission.

The first, which was sent in by telegram, is dated Jerusalem, October 14th, 1929, and signed by the President of the Supreme Moslem Council (document C.P.M.958). Though the telegram is couched in obscure language, the intention seems to be to record the protest of this Council against any action by the mandatory Power which would infringe Moslem rights over the holy places.

The second petition comes from the same source. It is in the form of a letter, dated February 17th, 1930, and is accompanied by a memorandum on the Burak (document C.P.M.1014). The petitioners complain of the appointment by the Council of the League of Nations of an international Commission to define the rights of Moslems and Jews over the Wailing Wall.

The British Government, through whose agency these documents have been forwarded to us, attaches a statement. The mandatory Power is of opinion that the Commission set up has been regularly appointed and that its terms of reference contain nothing which is contrary to the rights of Moslems.

In connection with these two petitions, I propose that my colleagues adopt the following draft resolution for submission to the Council :

"The Permanent Mandates Commission, having considered two petitions from the Supreme Moslem Council concerning the Wailing Wall, one of which has been commented on by the mandatory Power, is of opinion that no action is required so far as these petitions are concerned. The question with which they deal is, in fact, to be considered by an International Commission appointed by the mandatory Power, with the express approval of the Council of the League of Nations, in a desire for impartiality, which is wholly in accordance with justice and the spirit of the mandate."



ANNEX 6.

C.P.M.1042(1).

PETITION FROM M. IHSAN EL DJABRI, DATED SEPTEMBER 7TH, 1929.

REPORT BY M. PALACIOS.

On September 7th, 1929, M. Ihsan el Djabri, of the Syro-Palestinian delegation, despatched a long petition (document C.P.M.936) to the President of the Assembly of the League of Nations, which was then in session, and on March 22nd last the British Government replied (document C.P.M.999), submitting its observations on this petition.

The petition and the British Government's observations were forwarded to the Permanent Mandates Commission in accordance with the regular procedure.

The petition points out that this is the third time riots have occurred between Arabs and Jews and have been crushed by the British military forces, and asks that this continual conflict, which is the outcome both of immediate and of remoter causes, should be brought to an end once for all. The immediate causes are derived from the incidents in connection with the Wailing Wall ; the petitioner assents that these incidents were deliberately provoked and carried out by the Jews, who were heavily armed and protected by the mandatory authorities, the latter only intervening to put down the defensive movement of the Arabs. As to the remoter causes, they reside in the vicissitudes which led to the introduction of the mandate, and in the fact that the mandate is incompatible with Article 22 of the Covenant of the League and with the promises of independence which Great Britain made to the Arabs in 1915. The petitioner maintains that the idea of the " Jewish National Home " is *unjust*, because it fails to recognise established rights, goes beyond the scope of the Israelite religion, and serves the interests of even the unbelieving Zionists ; that it is *impracticable*, because Palestine can never support the great number of Jews scattered throughout the world ; that it is *harmful*, because the ownership of the land, which is now in the hands of the Arabs, could be transferred only at the cost of great sacrifice. The petitioner therefore trusts that the League of Nations will decide in favour of the abolition of the mandates (in the historical section of his petition he includes the mandate for Syria in his criticism) and the cancellation of the Balfour Declaration.

The mandatory Power replies briefly to these allegations. The definite facts mentioned by the petitioner in his survey of the disturbances are not confirmed by police reports. A special Commission, already approved by the League of Nations, is to be appointed to settle the dispute between Arabs and Jews regarding the holy places, and the British Government will continue, meanwhile, to endeavour to preserve the *status quo*. The mandatory Power asserts that it is unfair to say that the Jews have made the Wall, to which they have acquired an historic right of access, into religious property or a sanctuary. The Commission of Enquiry will investigate the causes of the conflict. Lastly, the allegations relating to the origins, the essence and the acceptance of the mandate and the demand for its abolition should not be considered as admissible.

As this applies to the greater part of the petition, as the mandatory Power has replied pertinently to the remaining assertions, and more especially as the document deals generally with questions which are being discussed at the extraordinary session of the Mandates Commission, when the Shaw report is to be examined in the presence of the accredited representative of the mandatory Power, no further importance need be attached to the allegations made in the petition.

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ANNEX 7.

C.P.M.1043(1).

TELEGRAM FROM THE NABLUS ARAB EXECUTIVE COMMITTEE,  
DATED SEPTEMBER 1ST, 1929.

REPORT BY M. PALACIOS.

The petition and observations (document C.P.M.959) were sent through the regular channels and according to the established procedure ; they comprise a letter and three annexes.

The petition complains of the Zionist policy of trying to carry by force the results of the Zurich Conference, which were made known during the riots between Arabs and Jews ; asserts that the Jews were extensively armed while the Arabs were unarmed ; and begs for an unbiased



Commission to investigate and solve the question, safeguarding the Arabs' rights and putting an end to the " Zionists' fearful greed ".

The mandatory Power replies that it has no idea of reconsidering its tenure of the mandate ; that the Palestine Government gave a formal assurance to a Moslem deputation that it had not armed the Jews; that disarmament had been carried out, *pari passu*, among the two populations ; and that a Commission of Enquiry under the chairmanship of Sir Walter Shaw had been appointed.

As the questions raised by the present petition and the observations thereon were discussed at length in connection with the Shaw report, and as the Mandates Commission will formulate and address to the Council of the League all the necessary observations on the subject, no further action is required on the petition from the Nablus Arab Executive Committee.

### ANNEX 8.

C.P.M.978.

## COMMUNICATIONS RECEIVED IN CONNECTION WITH RECENT EVENTS IN PALESTINE.

### I. NOTE BY THE CHAIRMAN DATED NOVEMBER 21ST, 1929.

In accordance with the Rules of Procedure, fixed by the Council, the Secretariat has submitted to me more than one hundred communications relating to the recent events in Palestine and to the general policy followed by the British Government there.

Only one of these communications — a petition by M. Ihsan el Djabri, dated September 7th, 1929, the text of which was circulated among my colleagues as document C.P.M.936 — seemed to me to contain assertions to which the Commission might be asked to give its attention, and I have therefore requested the Secretariat to forward it to the mandatory Power for its observations.

This petition, and also two petitions received through the mandatory Power (documents C.P.M.958 and 959), will, in due course, be placed on the agenda of the Commission.

My colleagues will find below the list of the numerous communications dealing with the same subject in very general — and often identical — terms, which I have examined since our last session.

Executive Committee of the Syro-Palestinian Congress, Cairo : tel. 26. VIII. 29, letter 31. VIII. 29, tel. 2. IX., 5. IX., 10. IX. 29.  
M. Ihsan el Djabri, Geneva : letters 26. VIII., 15 and 21. IX. 29.  
Juventud israelita Chili, Santiago de Chile : tel. 25. VIII. 29.  
Colonia israelita de Colombia, Bogotá : tel. 25. VIII. 29.  
Board and Council of the Jewish Religious Community, Warsaw : tel. 26. VIII. 29.  
Central Young Men's Moslem Association, Cairo : tel. 26. VIII. 29.  
Council and Board of the Governing Body, Siedlce : tel. 28. VIII. 29.  
Rabbis of the Community of the Jewish Religion, Ostrowiec : tel. 26. VIII. 29.  
Michael Alper, New York : letter 27. VIII. 29.  
Felix Green, President of the Zionist Federation of Egypt, Alexandria : tel. 28. VIII. 29.  
Messrs. Farbstein and Körner, Members of the Polish Parliament, Warsaw : tel. 28. VIII. 29.  
Drs. Guggenheim et Bonstein, Lausanne : tel. 28. VIII. 29.  
Council and Board of the Jewish Community, Lodz : tel. 28. VIII. 29.  
Jewish Community of Lublin : tel. 28. VIII. 29.  
Jewish Community of Dzialoszyce : tel. 28. VIII. 29.  
Zionists and other Jews of Valea-Rea : letter 28. VIII. 29.  
New Syria Party and Young Men's Moslem Society of America, New York : tel. 29. VIII. 29.  
Schweizerische Thora Lehranstalt : Ez Chajim, Montreux : tel. and letter 29. VIII. 29.  
Jewish Students of Grenoble : tel. 29. VIII. 29.  
Palestinian Colony, Port-au-Prince, Haiti : tel. 29. VIII. 29.  
Meeting of São Paulo Jewry, São Paulo : tel. 29. VIII. 29.  
Liga Union Palestina, Tela, tel. 29. VIII. 29, letter 30. VIII. 29.  
Governing Body of the Zionist Federation of Greece, Salonika : letter 29. VIII. 29.  
Syrian Patriotic League, São Paulo : tel. 29. VIII. 29.  
Jewish Community, Rowno : tel. 30. VIII. 29.  
Asociación panislámica, Rosario de Santa Fé : tel. 30. VIII. 29.  
Union palestinense, Rosario de Santa Fé : tel. 30. VIII. 29.  
Jewish Community of Rosario de Santa Fé : tel. 30. VIII. 29.  
M. Tobias Türschweller, Strasburg : letter 30. VIII. 29.  
Jewish Community of Ilza : tel. 30. VIII. 29.  
Jewish Community, Vilna : letter 30. VIII. 29.  
Independent Vilner Ferein, Cleveland : letter 30. VIII. 29.  
General Assembly of the Jewish Students, Toulouse : letter 31. VIII. 29.  
Inhabitants of Tripoli (Lebanon) : tel. 31. VIII. 29.  
Dr. Ascher, Bex : tel. 31. VIII. 29.  
The Chiefs of Various Religious Communities of Saida (Lebanon) : tel. 31. VIII. 29.  
A Group of Arab Students, Damas : tel. 31. VIII. 29.  
Jewish Community, Dabrowa : tel. 31. VIII. 29.  
Pan-Islamic Association, Buenos Aires : tel. 31. VIII. 29.



Arab-Patriotic Committee, Santiago de Chile : tel. 31. VIII. 29.  
 Jaafar Abutimman, Alhashimi, Muzahim, Pachachi, Mahmud Ramiz, Baghdad : tel. 1. IX. 29.  
 Comité derechos nacionales palestinos, Santiago de Chile : tel. 1. IX. 29.  
 Jewish Organisations of Uruguay, Montevideo : tel. 1. IX. 29.  
 Jewish Community, Suceava : letter 1. IX. 29.  
 General Assembly of the Jewish Population, Plovdiv : letter 1. IX. 29.  
 Consiliul Superior al Organizatiilor Sioniste din Romania, Bucharest : letter 1. IX. 29.  
 Young Moslem Association, Sohag, Egypt : tel. 2. IX. 29.  
 Indonesian Benevolence Society, Cairo : tel. 2. IX. 29.  
 Sociedad syrio-arabe, San Rafael, Mendoza : tel. 2. IX. 29.  
 Jewish Committee of Buenos Aires : tel. 2. IX. 29.  
 Hebrew Colony of Panama ; Colón : tel. 2. IX. 29.  
 Zionist Federation of Bulgaria, Plovdiv : tel. 2. IX. 29.  
 Jewish Parliamentary Group, Warsaw : letter 2. IX. 29.  
 Palestine Arab League, Chicago : tel. 3. IX. 29.  
 Syrian Arab Association, Paris : letter 3. IX. 29.  
 Jewish Community of Sfax, Tunis : tel. 3. IX. 29.  
 Young Moslem' Association, Baghdad : tel. 3. IX. 29.  
 Board of the Jewish Congregation, Poznan : tel. 3. IX. 29.  
 Union of the Zionist Organisations of Lithuania, Kaunas : letter 3. IX. 29.  
 Moslem Society, São Paulo : tel. 3. IX. 29.  
 Jews of Bello Horizonte, Brazil : tel. 4. IX. 29.  
 Jewish Population of Nancy : tel. 4. IX. 29.  
 Union Islamica, Berisso : tel. 4. IX. 29.  
 Università Israelitica Pitigliano, Grosseto, Italy : letter 4. IX. 29.  
 Israelite Consistory of the Bas-Rhin, Strasburg : letter 4. IX. 29.  
 Jewish Community of Kattowice : letter 4. IX. 29.  
 Università Israelitica of Ferrara : letter 5. IX. 29.  
 Civic Committee of Israelite Community, Sofia : letter 5. IX. 29.  
 Sirdar Suleman Casum Mitha, Pydhonie, Bombay : tel. 5. IX. 29.  
 Mufti Mohammed Kher, Sheikh Reze Mohammed Djundi, Selimieh : tel. 5. IX. 29.  
 Association of Christian and Moslem Arabs of Syria and Palestine, Boston : tel. 5. IX. 29.  
 Executive Committee of the Agudas Jisroel, Vienna : letter 5. IX. 29.  
 The Mufti Mustapha Naja and several Inhabitants of Beirut : letter received 6. IX. 29.  
 Abdulmuhsin al Sadun, President of the Progressive Party, Baghdad : tel. 7. IX. 29.  
 President of the Inter-Moslem Congress, Mecca : tel. 8. IX. 29.  
 Palestinian Colony of Guatemala : tel. 9. IX. 29.  
 Sociedade União Syria, Oliveiras : tel. 9. IX. 29.  
 President of the Zarzad Gminy Wyznaniowej Zydowskie : letter received 9. IX. 29.  
 Zionist Federation of Greece, Salonika : letter 9. IX. 29.  
 Jewish Community of Radauti : letter 9. IX. 29.  
 Presidents of the Jeunesse sioniste, the Société sioniste and of the Hachahar Society, Geneva : letter 10. IX. 29.  
 Madras Presidency Moslem Conference, Madras : letter 10. IX. 29.  
 United Committee for the Defence of the Jewish Home in Palestine, Pabjanice : resolution and proclamation received 10. IX. 29.  
 Jewish Community of the Congo, Elisabethville : tel. 11. IX. 29.  
 Alamas of Baghdad : tel. 11. IX. 29.  
 Sheffield Hebrew Congregation : letter 11. IX. 29.  
 Iraqi Christian Youth of Baghdad : tel. 11. IX. 29.  
 Asociación fraternal Palestina, Tampico : tel. 12. IX. 29.  
 Jewish Committee, Barcelona : tel. 13. IX. 29.  
 Union Palestine, San Pedro : tel. 15. IX. 29.  
 Harbin Jewish Community, Harbin (China) : tel. 12. IX. 29 and letter 18. IX. 29.  
 Jewish Community, Copenhagen : letter 19. IX. 29.  
 Sociedad Palestino-Arabe, Havana : tel. 20. IX. 29.  
 Habiurrahmn, Principal Ulmas of Deoband : tel. 21. IX. 29.  
 Misrachi Organisation of Greece, Salonika : letter 26. IX. 29.  
 M. H. Stier, Cernauti : communications dated 27. VIII, 16. IX. and 1. X. 29.  
 M. Ah. Jassi and 494 other Signatories, Ksar Hillal : letter 1. X. 29.  
 Mohamed Kerker, Delegate of the Moslems of Tunis, Tunis : tel. 7. X. 29.  
 Constitutional Liberal Party, Tunis : letter 8. X. 29.  
 Executive Committee of Indonesien Moslems, Soerabaja : tel. 16. X. 29.

C.P.M.1019.

## II. NOTE BY THE CHAIRMAN DATED MAY 23RD, 1930.

At the sixteenth session of the Permanent Mandates Commission (see page 172 of Minutes), I submitted to my colleagues an initial list of more than one hundred communications received from various sources in connection with the recent events in Palestine.

My colleagues will find below a further list of communications relating to the events in Palestine which I have examined since our last session. The subject-matter dealt with in petitions 1, 2, 3, 5, 8 and 10 is similar and is treated in general terms. Moreover, these petitions contain certain statements contrary to the terms of mandates, and did not seem to me to be worth communicating to the members of the Commission and to the mandatory Power for their observations. The same applies to letter No. 9 which merely forwards Press information already known to my colleagues.

The letter from the Comité Belgique-Palestine (No. 4) forwards a resolution signed by a number of prominent Belgian politicians. As the chief suggestion made, namely, the convening of an extraordinary session of the Permanent Commission, has already been complied with, there is now no point in the resolution.

The two communications referred to in No. 6 contain certain information regarding the Wailing Wall problem. As this question will, in accordance with the Council's decision of



January 14th, 1930, be dealt with by a Special Commission, I thought that these communications need not be considered by the Permanent Mandates Commission.

On the other hand document No. 7, a telegram from the Syro-Palestinian Commission referring to concrete facts, seemed to me to merit communication to the mandatory Power for its observations. A copy of it will be found in document C.P.M.1018.

As in the case of the preceding one, I shall send a copy of this further list to the mandatory Power for its information.

### Appendix.

#### FURTHER LIST OF COMMUNICATIONS RECEIVED REGARDING THE RECENT EVENTS IN PALESTINE. (1929-1930.)

1. Association of Jewish University Societies in Palestine, Warsaw : letter 17. IX. 29.
2. Arab Students of Paris : tel. 2. XI. 29.
3. Zionist Organisation of Czechoslovakia, Moravska-Ostrava : letter 18. X. 29.
4. Comité Belgique-Palestine, Brussels : letter transmitting resolution 13. XI. 29.
5. N. Ibrahim Bendia, Moknin (Tunisia) : tel. 21. XI. 29.
6. M. A. Lipman, Versailles : letters 5. XII. 29. and 1. I. 30.
7. Syro-Palestinian Executive Committee, Cairo : tel. 8. I. 30<sup>1</sup>.
8. Committee of Young Palestinians, Parras, Mexico : letter 10. II. 30.
9. M. Albert Mattern, Arles : letter 21. III. 30.
10. All-India Moslem Conference for Palestine, Bombay : tel. 24. IV. 30.

### ANNEX 9.

C.P.M.1034.

#### VARIOUS COMMUNICATIONS RELATING TO THE MEASURES TAKEN BY THE MANDATORY POWER IN MAY 1930 IN REGARD TO JEWISH IMMIGRATION.

##### I. NOTE BY THE CHAIRMAN DATED JUNE 4TH, 1930.

The Secretariat has sent me a large number of communications (letters, telegrams, etc.) relating to the measures taken by the mandatory Power in May 1930 in regard to Jewish immigration.

Most of these communications, a list of which is given below, were the outcome of meetings of protest. They contain complaints of the suspension of immigration, which, it is alleged, is not justified by the economic situation and is contrary to the Balfour Declaration and to the rights guaranteed to Jews by the Palestine Mandate. Three of these communications are reproduced as examples in appendices hereto.

The other documents, which are couched in very general terms, and several of which are practically identical, do not, in my opinion, require to be communicated to the members of the Permanent Mandates Commission or to the British Government. They have, however, been filed with the Secretariat.

I have forwarded a copy of the present document to the accredited representative of the mandatory Power.

### Appendix 1.

#### LIST.

- H. Farbstein, President of the Jewish Parliamentary Club of the Sejm and Senate in Poland, Warsaw : letter 24. V. 30.
- Zionist Organisation Dr. Herzl, Sofia : letter forwarding resolution 25. V. 30.
- M. Naftali Landau, Chairman of a Jewish Protest Meeting, Lwow : tel. 26. V. 30.
- Dr. Halpern, Sambor : tel. 26. V. 30.
- Jewish Inhabitants, Wolozyn (Province of Nowogrodek) : tel. 26. V. 30.
- Dr. Tannenbaum, Vice-Mayor of Drohobycz ; Dr. Adlersberg, President of the Zionist Organisation, Drohobycz : tel. 26. V. 30.
- Dr. Dawid Magnet, Stanislawow : tel. 26. V. 30.
- Meeting of Jewish Inhabitants, Drohobycz : tel. 26. V. 30.
- Chairman of a Meeting of Jewish Inhabitants, Kolmoyja : tel. 27. V. 30.
- Association of Zionist Students at Montpellier, Montpellier : letter forwarding resolution 27. V. 30.
- " Mizrachi " Federation of Zionists in Greece and Association of Revisionist Zionists, Salonika : letter forwarding resolution 27. V. 30.
- Zionist Organisation, Toulouse : letter forwarding resolution 27. V. 30.
- Berland, President of a protest meeting ; Zirelsohn, Grand Rabbi in Bessarabia, Bucharest : tel. 31. V. 30.
- Central Committee of the Hechaluz Organisation for Galicia and Silesia, Lwow : tel. 30. V. 30.

<sup>1</sup> A telegram to the same effect was sent from Geneva on the same date by M. Ihsan el Djabri.



B. Judcovici, Vice-President of the Federation of Jewish Societies in France. Marcel Miritl, President of the Zionist Federation of France, Paris : letter 30. V. 30.  
Zionist Commission in Morocco, Casablanca : tel. 30. V. 30.  
Jewish Community, Siedlce : tel. 1. VI. 30.  
M. Bohdanow, Wiszniew : tel. 2. VI. 30.  
Jonewrosz Goldberg, Dokzyce : tel. 2. VI. 30.  
Histadvut Organisation, Krasnystaw : tel. 2. VI. 30.  
M. Ekerman, on behalf of the Committee connected with a protest meeting, Siedlce : tel. 2. VI. 30.  
M. Fischer, Secretary of the Keren Kayemeth Leisraël (Jewish National Fund), Paris : letter forwarding copy of a memorandum submitted to the British Ambassador in Paris 2. VI. 30.  
Jewish Community, Horochow : tel. 3. VI. 30.  
Jewish Community, Bielsk Podlaski : radiogram 3. VI. 30.  
Hechalutz, Riga : tel. 3. VI. 30.  
Jewish Community, Lipno : tel. 3. VI. 30.  
Various Jewish Organisations, Tluste : radiogram 3. VI. 30.  
Polish Members of the Jewish Agency ; Jewish Members of the Polish Parliament, etc., Lwow : tel. 3. VI. 30.

## Appendix 2.

LETTER DATED MAY 24TH, 1930, FROM THE PRESIDENT OF THE JEWISH PARLIAMENTARY CLUB OF THE SEJM AND SENATE IN POLAND TO THE LEADERS OF THE HOUSE OF LORDS AND THE HOUSE OF COMMONS.<sup>1</sup>

May 24th, 1930.

The Honourable Speaker of the House of Commons,  
Westminster, London.

Lord of the Privy Seal,  
House of Lords, London.

The Jewish Parliamentary Club of the Polish Sejm and Senate, the representative body of the three million Jewish population in Poland, deeply wounded by the last disposition of the British Government regarding the suspension of the immigration of Jewish workers to Palestine is herewith requesting the Parliament that it kindly considers the following state of things.

At the session on April 24th, 1920, in San Remo, Great Britain was entrusted with the mandate over Palestine.

At the session on July 24th, 1922, of the League of Nations, held in London, the mentioned Mandates was, according to the international law, approved.

Article 2 of the mandates states that the mandatory Power assumes the duty of creating in Palestine such political, administrative and economic conditions as would encourage the upbuilding of the Jewish National Home.

The mandatory Power has, alas, done nothing, during the entire ten-year period, towards the realisation of accepted obligations. Furthermore, what is to be greatly regretted, the British Administration in Palestine has been continually putting obstacles to the development of the Jewish National Home in Palestine. During the entire period, the mandatory Power stood aside there, giving no help to Jewish work, extending no assistance of any importance to the Jews, but just looking on, while the Jews were struggling with the neglected and savage country.

The World Jewry did not allow itself to be discouraged or frightened away by that state of things. Superhuman effort, ceaseless work and large donations of money, contributed by the entire Jewry of the World, have created wonders in Palestine, have brought in new life into the country, enriched the land and secured for it a splendid development. All this has brought great advantages to the entire population of Palestine and thus not only to the Jews.

The Jews have brought into Palestine enlightenment and culture, they have created there a life based on universal justice and equality of law. The Jews never intend to become the oppressors of the Arab population, they never intend to rob them of their land or to push them out of the country.

In spite of this, the British Administration in Palestine has by its ambiguous policy been continually creating misunderstandings, dissonances and fights among the nationalities inhabiting Palestine.

This two-sided policy, together with the wild agitations of the rich effendis, who feared that, with the development of culture and civilisation in the country, they may lose their power over the mercilessly exploited by them Arab agricultural population, has brought to the known bloody excesses on the peaceful Jewish working population in Palestine in August of last year. The incited Arab crowd assaulted the defenceless Jewish settlements and its murders and plunders found at first almost no resistance from the British Administration in Palestine.

The last blow, however, was the severest one. Notwithstanding the fact that the British Administration in Palestine, by appointing 3,300 certificates for pioneer workers (Chalutzim) for the period of April-September 1930, has thereby admitted the necessity of introducing new labour force into the country, the British Government, without any real motive, has withdrawn the distribution of the certificates. In doing so the British Government has closed entirely the immigration of workers to Palestine, and has thus acted in obvious contradiction to the decisions of the Mandate, which demand of the mandatory Government the creation of such conditions that would favour the upbuilding of the Jewish National Home.

<sup>1</sup> Note by the Secretariat. — A copy of this letter (as reproduced here) was transmitted to the Chairman of the Permanent Mandates Commission on May 24th, 1930.



The Jewish Parliamentary Club of the Polish Sejm and Senate, as the representative body of the Jewish population in Poland, herewith solemnly and vigorously protests against the above-mentioned action of the British Government, since this action is contradictory to the obligations accepted by that Government, is contradictory to the justly acquired rights of the Jewish people, rights that were sanctioned them by international agreement, and is injurious to the Jewish people by hindering them in their work of the restoration of their National Home.

The Jewish Parliamentary Club of the Sejm and Senate of the Polish Republic appeals to the oldest Parliament in the world, the Parliament which always stood in defence of right and justice, to influence the Government of the British Empire that it shall keep their obligations, promises and declaration. May we hope that the esteemed English Parliament will influence the British Government that the latter shall withdraw immediately the order to stop the immigration of Jewish workers and that, moreover, in accordance with the agreements and assumed obligations, they will not put any obstacles, but will assist the Jewish people in the restoration of their National Home.

(Signed) H. FARBSTEIN,  
President Jewish Parliamentary Club  
of the Polish Sejm and Senate.

### Appendix 3.

[Translation.]

#### RESOLUTIONS TRANSMITTED BY THE " MISRACHI " ZIONISTS' FEDERATION OF GREECE AND THE UNION OF REVISIONIST ZIONISTS.

The Jewish population of Salonika, having met to-day, Saturday, 26 Iyar 5690 (May 24th, 1930), in the hall of the Apollo Cinematograph Theatre, to protest against the temporary stoppage of Jewish immigration into Palestine decreed by the MacDonald Government, after hearing the various speakers' accounts of the policy followed by the mandatory Power in regard to the Jewish National Home,

(1) Declares that that policy has not been in any way in conformity with either the letter or the spirit of the Mandate entrusted to Great Britain by the League of Nations ;

(2) Reminds the mandatory Power of the obligations which it solemnly assumed towards the Jewish People before the whole world, and which are briefly set forth in Article 2 of the mandate, as : "*The Mandatory shall be responsible for placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish National Home*" ;

(3) Regrets to find that the mandatory Power has not always been able to maintain order in Palestine, or to safeguard the lives, property and honour of the Jewish population of the country, as was shown by the bloodshed on May 1920 and August 1929 ;

(4) Protests vehemently and vigorously against the *partiality* displayed in the Report of the Shaw Commission of Enquiry, which exceeded its powers and deliberately refused to acknowledge the great work of civilisation carried on by the Jews in Palestine ;

(5) Desires to express its intense indignation at the temporary suspension of Jewish immigration into Eretz-Israel, a measure which constitutes a flagrant violation of Article 6 of the mandate, namely : "*The Administration of Palestine . . . shall facilitate Jewish immigration under suitable conditions and shall encourage, in co-operation with the Jewish Agency referred to in Article 4 [of the Mandate], close settlement by Jews on the land, including State lands and waste lands, not required for public services*", and which tramples underfoot the historic rights of the Jewish People ;

(6) Requests His Britannic Majesty's Government to cancel this measure immediately, and to inaugurate a definite policy clearly based on the letter and spirit of the mandate ;

(7) Proclaims at this time of sorrow the historic and imprescriptible right of the Jewish People to rebuild its National Home in its ancestral land ;

(8) Reaffirms its unshakeable determination, whatever may befall, to pursue with greater rigour than ever, and at the cost of whatever sacrifice, the task of gradually rebuilding Palestine as a *Jewish State* ;

(9) Instructs the Committees of the " Misrachi " Zionists' Federation of Greece and of the Revisionist Zionists' Union of Greece to transmit these resolutions to the League of Nations, to His Britannic Majesty's Government, to the Executive of the Zionist Organisation, to the Executive of the World Union of Revisionist Zionists, to the Central Bureau of the " Misrachi " Organisation and to the " Waad-Leumi ".

For the Committee of the  
" Misrachi " Federation of Greece :  
(Signed) Abraham S. RECANATI.

For the Committee of  
Revisionist Zionists' Union of Greece :  
(Signed) [Illegible]



#### Appendix 4.

[Translation.]

TELEGRAM DATED JUNE 3RD, 1930, FROM THE JEWISH AGENCY, AND FROM VARIOUS  
JEWISH AND ZIONIST ORGANISATIONS AND NOTABLES OF EASTERN GALICIA.

To the Mandates Commission  
of the League of Nations,  
Geneva.

Lemberg.

The members of the Council of the Jewish Agency, the Jewish members of the Polish Parliament, the heads and representatives of the Jewish communities, the Jewish members of municipal councils and administrations, the representatives of all Zionist organisations, together representing the whole Jewish population of Eastern Galicia, irrespective of political opinion, having met on May 29th, 1930, in the great hall of the Jewish Commune at Lemberg, adopted a resolution registering a solemn protest, on behalf of the whole Jewish population, against the measures of the British Government abolishing the immigration of Halutzim into Palestine. They consider that this measure, which was not called for by the economic situation in Eretz-Israel or by the needs of its development, but was initiated solely for political reasons, is a flagrant violation of the Jewish rights guaranteed by the mandate conferred upon Great Britain by the League of Nations with a view to creating conditions suitable for the establishment of the Jewish National Home. They lay this protest before the British nation and the whole civilised world, and call for the immediate revocation of this measure, which is entirely contrary to the letter and spirit of the mandate, and protest against all similar attempts to misinterpret the spirit of the mandate and thereby curtail the historic rights of the Jews, guaranteed and recognised by international treaty. They call upon the mandatory Power to fulfil all the obligations undertaken under the Balfour Declaration and the mandate, and they therefore ask for the establishment in Palestine of such political, administrative and economic conditions as may facilitate and accelerate the efforts to rebuild their National Home. They also declare that nothing can shake the determination of the Jewish people or destroy or even weaken its efforts to rebuild its National Home in Eretz-Israel, which they have never renounced at any time during their 2,000 years of exile. They will make still more strenuous efforts to unite all the forces of Judaism to prepare for the Aliah of the Halutzim and to increase the funds of Keren Kaiemeth and Keren Hayesod in order to hasten the progress of reconstruction.

C.P.M.1050.

#### II. NOTE BY THE CHAIRMAN DATED JUNE 19TH, 1930.

The Secretariat informs me that it continues to receive a very large number of communications (letters, telegrams, etc.) relating to the measures taken by the mandatory Power in May 1930 in regard to Jewish immigration.

With reference to document C.P.M.1034, I have the honour to communicate to my colleagues a new list of these communications. I am transmitting at the same time a copy of the present document, for information, to the mandatory Power.

Polish Representatives of the Jewish Agency, Warsaw : letter forwarding a copy of memorandum submitted to the British Government 28. V. 30.  
Conference of Jewish Communities in Poland, Warsaw : letter forwarding a copy of memorandum submitted to British Ambassador in Poland 29. V. 30.  
Chami Bokitodiw, Bialobrzegi (Poland) : letter 2. VI. 30.  
Jewish Population of Grybow, Grybow (Poland) : letter 2. VI. 30.  
Jewish Community, Cracow : tel. 4. VI. 30.  
Supreme Council of Zionist Organisation, Bucharest : letter communicating resolution 4. VI. 30.  
American Jewish Legion, New York : tel. 5. VI. 30.  
Central Zionist Committee of Bulgaria, Plovdiv (Philippopoli) : tel. 5. VI. 30.  
Hechaluz, Moravska-Ostrava : tel. 5. VI. 30.  
Central Committee of Swiss Zionist Federation, Basle : letter 5. VI. 30.  
Dr. Filip Schleicher, Lwow (Poland) : letter communicating resolution 5. VI. 30.  
Jewish Community, Plovdiv : copy of letter addressed to British Minister at Sofia 6. VI. 30.  
Joseph Fischer, Secretary-General, Jewish National Fund, Paris : letter communicating resolution 6. VI. 30.  
Jewish Agency of Lithuania (Central Committee), Kovno (Lithuania) : letter 6. VI. 30.  
Zionist Organisation for the Area of the Free City of Danzig, Danzig : letter 7. VI. 30.  
Central Committee, Nowy-Swiat, Warsaw : letter 9. VI. 30.  
Keren Hajesow, Cracow : letter 9. VI. 30.  
Hadassah, Women's Zionist Organisation of America, New York : tel. 11. VI. 30.  
Israelite Community, Sofia : letter 11. VI. 30.  
Rabbi Abba Hillel Silver, Chairman at a protest meeting, Cleveland (U.S.A.) : tel. 11. VI. 30.  
Israelite Cultural Society, Nancy, letter 11. VI. 30.  
Jewish Community, Bielsko (Poland) : tel. 10. VI. 30.  
Zionist Union, Havana (Cuba) : tel. 13. VI. 30.  
Union of Zionist Revisionists, Paris (xvii) : letter forwarding agenda of an Assembly of Jews in Paris 13. VI. 30.

Resolutions protesting in identical terms have been received as the result of meetings held in the following Polish towns : Brzozow, Wisniez, Sanok, Krosienko, Ulanow, Kolbuszowa, Frysztak, Krolewska Huta, Strzyzow, Gorlice, Tarnobrzec, Nowy Targ, Lancut, Borowa, Gdow, Skoczow, Jaroslaw, Andrychow, Lisko, Szczakowa, Dobra, Biecz, Rudnik n/S, Oswiecim, Sokolow ad Ezechow, Debica, Zator, Tyczyn, Rymanow, Tarnow, Bobowa, Cracow.



## ANNEX 10.

### I.

## REPORT TO THE COUNCIL OF THE LEAGUE OF NATIONS ON THE WORK OF THE SESSION

### A

#### GENERAL REPORT.

1. The first meeting of the Council at which the serious events which occurred in Palestine in August 1929 were referred to was that of September 6th last. Reference was made to them at the plenary meetings of the Assembly on September 3rd and 19th and, in its Sixth Committee, on the 13th and 14th of the same month.

On the proposal of M. Procopé, Rapporteur for mandates questions, the Council decided, on September 6th, 1929 :

“ . . . that, in accordance with the procedure which was indicated in the Covenant itself, and which had been followed under similar circumstances, documents which were of interest in connection with these incidents should be forwarded to the Permanent Mandates Commission in order that the Commission might thoroughly examine them at its next session, or at an extraordinary session, and inform the Council of its views thereon.”

At its sixteenth ordinary session, held in November 1929, the Permanent Mandates Commission, after noting that it was not at that time in possession of the documents to be furnished by the mandatory Power, took the following decision :

“ In accordance with the desire expressed by the Council of the League of Nations at its meeting on September 6th, 1929, the Permanent Mandates Commission intends to hold an extraordinary session in the month of March next. The Commission has no doubt that by that time it will have received from the mandatory Power a full report which will give the Commission all the information to enable it to form an opinion as to the incidents in Palestine, their immediate and more remote causes, the steps that have been taken to tranquillise the country and the measures for the prevention of any recurrence of such events.”

This decision was communicated to the President of the Council (who approved it in a letter dated November 27th, 1929) and to the British Government. The Council itself approved it at its meeting on January 13th, 1930.

The representative of Great Britain, however, having intimated that the report of the Commission of Enquiry sent to Palestine by his Government could not be ready by March, the Council decided to authorise the Permanent Mandates Commission to meet in an extraordinary session, if not as early as March, at a later date. The report of the Commission of Enquiry was forwarded to the Secretariat of the League of Nations on March 31st, 1930, and distributed by it to the members of the Permanent Mandates Commission at the beginning of April.

In the meanwhile the Chairman of the Mandates Commission had decided that the extraordinary session should be held immediately before the ordinary session, the opening of which had meanwhile been fixed for June 10th.

This extraordinary session — the seventeenth session of the Mandates Commission — which was devoted exclusively to affairs in Palestine, opened at Geneva on June 3rd. The Commission held twenty-one meetings.

The mandatory Government appointed as its accredited representatives to the Mandates Commission :

Dr. T. Drummond SHIELS, M.C., M.P., Parliamentary Under-Secretary of State for the Colonies.

Mr. H. C. LUKE, C.M.G., Chief Secretary of the Palestine Administration.

Mr. T. I. K. LLOYD (Colonial Office).

Mr. G. L. M. CLAUSON, O.B.E. (Colonial Office).

\* \* \*

2. The present report is based upon the following material furnished by the mandatory Power :

(a) Two written statements by its accredited representatives to the Permanent Mandates Commission, viz. :

(1) The statement forwarded by the mandatory Power on May 26th, 1930, published by the British Government as a White Paper and also printed as Annex 2 to the Minutes (Cmd. 3582).



(2) The statement read at the second meeting (June 3rd) of the seventeenth session of the Permanent Mandates Commission (see Minutes of meeting).

(b) The annual reports on the administration of Palestine, and especially the annual report for 1929.

(c) The replies by the accredited representatives to the questions put by the members of the Mandates Commission during the extraordinary session. These replies are recorded in the Minutes of the seventeenth session.

The documents at the disposal of the Commission also included :

(a) The Report of the Commission on the Palestine Disturbances of August 1929 (Cmd. 3530 of March 1930), forwarded by the mandatory Power.

(b) Two memoranda from the Jewish Agency forwarded by the mandatory Power, viz. :

(1) Memorandum on the " Report of the Commission on the Palestine Disturbances of August 1929 ".

(2) Memorandum on the development of the Jewish National Home, 1929, submitted by the Jewish Agency for Palestine for the information of the Permanent Mandates Commission.

(c) Various petitions, some of them forwarded to the Mandates Commission through the mandatory authorities, viz. :

(1) Telegram from the President of the Supreme Moslem Council, forwarded on October 14th, 1929, by the High Commissioner for Palestine (C.P.M. 958).

(2) Telegram dated September 1st, 1929, from the Nablus Arab Executive Committee, forwarded with observations, by the British Government on November 8th, 1929 (C.P.M. 959).

(3) Letter and memorandum, dated February 17th, 1930, from the President of the Supreme Moslem Council, forwarded, with observations, by the British Government on May 12th, 1930 (C.P.M. 1014). <sup>1</sup>

Others, received by the Chairman of the Permanent Mandates Commission and forwarded to the British Government for its observations, viz. :

(1) Petition dated September 7th, 1929, from M. Ihsan el Djabri (C.P.M. 936) ; Observations by the British Government, dated March 31st, 1930 (C.P.M. 999).

(2) Telegram of January 8th, 1930, from the Syro-Palestinian Executive Committee at Cairo (forwarded to the mandatory Power for its observations on May 26th, 1930) (C.P.M. 1018). <sup>2</sup>

The ordinary duty of the Permanent Mandates Commission is to furnish the Council with its opinion on the execution of the mandates, in the light, mainly, of the annual reports which the mandatory Powers are required to send to the Council under Article 22 of the Covenant.

Following this rule, the Mandates Commission endeavoured, in the present case, to form an opinion as to the events themselves which formed the subject of enquiry and of their immediate and more remote causes, relying for this purpose primarily upon information supplied by the mandatory Power itself.

Accordingly, the facts and findings contained in the report of the Commission of Enquiry — despite the official character of that document — cannot be considered as pledging the mandatory Government, and the Permanent Mandates Commission has therefore only taken special cognisance of facts and findings which have been endorsed by the Government itself.

In considering the information furnished from unofficial sources the Commission felt bound to pay special attention to the memoranda from the Jewish Agency, since they emanate from an organisation officially recognised by Article 4 of the mandate.

In accordance with its traditions, the Commission did not fail to give due consideration to the various petitions submitted to it through the regular channels.

The events in Palestine have prompted a very large number of articles in reviews or in newspapers, and of pamphlets, tracts, and open letters, contributed by eye-witnesses, or more often by Jewish organs and associations, either defending their point of view, or attacking the other side.

The members of the Permanent Mandates Commission could not altogether disregard the body of information reaching them from these sources. Although they accepted it with all due reserve, it sometimes furnished material for the questions which they put to the representatives of the mandatory Power. The Commission decided to disregard all communications which, after discussion, appeared to them to be based on insufficient data.

A statement by the British Foreign Secretary at the meeting of the Council on May 15th last had given a hope that a transcript of the evidence taken by the Commission of Enquiry

<sup>1</sup> Note by the Secretariat :

The following documents were received during the session :

(a) Memorandum submitted to the Permanent Mandates Commission of the League of Nations by the National Council (Waad Leumi) of the Jews of Palestine — June 1930, received by the intermediary of the High Commissioner for Palestine ;

(b) Memorandum from the Executive Committee of the General Federation of Jewish Labour in Palestine, transmitted by the High Commissioner for Palestine.

<sup>2</sup> The examination of this petition was adjourned to another session.



would be transmitted to the Permanent Mandates Commission in time for its extraordinary session. For reasons which were given by the accredited representative, it was found impossible to furnish the Commission with this transcript before the close of the session.

\* \* \*

3. From the Council's resolution of September 6th last the Commission inferred that the duty incumbent upon it was to give its opinion on the following matters :

(1) The events of August 1929, their immediate causes, their more remote and deep-lying origins, and the action of the Palestine Administration when confronted with them ;

(2) The steps taken by the mandatory Government to prevent the recurrence of such events ;

(3) The policy which the mandatory Power intends to follow in order to give full effect to the mandate over Palestine, and the measures it proposes to take in pursuance of this policy.

The Commission examined these questions in the order given above, and the same order has been observed in drafting the present report.

\* \* \*

4. The Mandates Commission considers that the Palestine disorders cannot justly be regarded as an unexpected disturbance in the midst of political calm, like those sudden explosions of popular passion which have so often been witnessed in the East. They were preceded during the last four months of 1928 and in the early part of 1929 by a number of premonitory incidents which were usually connected with the Wailing Wall.

This historic spot became, as it were, the focus of the claims of the two races concerned, each of which sought to utilise incidents unimportant in themselves in order to establish their respective claims *de jure* or *de facto*.

The quarrel over the Wailing Wall, the symbolic significance of which was not always evident in its full gravity to the foreign observer, inclined to see only the trivial aspect of the matters immediately in dispute, gave rise among the inhabitants of Jerusalem, and, through them, throughout a large part of Palestine, to a state of nervousness and suppressed excitement which was likely, on an early occasion, to develop into an outbreak of violence.

The historical account of the period between September 23rd, 1928, and the end of August 1929, as given on pages 26 to 70 of the report of the Commission of Enquiry, is considered by the mandatory Power to be an accurate account of events.<sup>1</sup> Indeed, the value of this statement has not been seriously disputed, as was observed by the accredited representative of the British Government. The Commission can therefore only refer the Council to that account.

After detailing the facts in their chronological order and commenting on their nature the Commission of Enquiry arrived at the following conclusions :<sup>2</sup>

“ 1. The outbreak in Jerusalem on August 23rd was from the beginning an attack by Arabs on Jews for which no excuse in the form of earlier murders by Jews has been established (Chapter III, page 63).

“ 2. The outbreak was not premeditated. Disturbances did not occur simultaneously in all parts of Palestine but spread from the capital through a period of days to most outlying centres of population and to some rural districts (Chapter IV, page 81).

“ 3. As will be realised from the brief account of the disturbances given on pages 62 to 65 of Chapter III, they took the form, for the most part, of a vicious attack by Arabs on Jews, accompanied by wanton destruction of Jewish property. A general massacre of the Jewish community at Hebron was narrowly averted. In a few instances, Jews attacked Arabs and destroyed Arab property. These attacks, though inexcusable, were in most cases in retaliation for wrongs already committed by Arabs in the neighbourhood in which the Jewish attacks occurred.

“ 4. The outbreak neither was, nor was intended to be, a revolt against British authority in Palestine (Chapter XII, page 149). ”

These four conclusions have been adopted by the mandatory Power.

The Mandates Commission is of opinion that two of them call for certain reservations.

It considers that it should draw attention to the contradiction which seems to exist between certain declarations made in the body of the report (see specially : page 71, lines 7-19 ; page 75, lines 1-6, 37-43 ; page 78, lines 21-25 ; page 79, lines 24-27 ; page 80, lines 6-9 ; page 158, paragraph 6, lines 7-12 ; page 159, paragraphs 11, 12 and 13 ; page 164, paragraph 45 (c) ; page 172, lines 12-14, 23-32, 39-48 ; page 173, lines 1-4 ; page 180, lines 6-8) and the second of the conclusions in regard to the question of premeditation on the part of those who caused the disorders. The

<sup>1</sup> Minutes, page 16.

<sup>2</sup> Report of the Commission on the Palestine Disturbances of August 1929 (Cmd. 3530), page 158 (i).



Mandates Commission, moreover, doubts whether the kindly judgment passed by the majority of the Commission of Enquiry upon the attitude of the Arab leaders, both political and religious, was fully justified by the report of the enquiry.

The fourth conclusion, that the outbreak was not directed against British authority, seems to be expressed too categorically.

Doubtless the Arab attacks were directed only against the Jews, but the resentment which caused the Arabs to commit these excesses was ultimately due to political disappointments which they attributed to the parties concerned in the mandate, and primarily to the British Government. All the declarations by persons and organisations representing the Arab section tend to emphasise the fact that the Arab movement was a movement of resistance to the policy of the mandatory Power solely in its capacity as mandatory. This has never been more clearly stated than in a letter from the Palestinian Arab delegation, and in a telegram from the Arab Executive, both received by the members of the Permanent Mandates Commission during the extraordinary session. The first reads as follows :

“ We believe that the main cause of the disturbances which have led to continual bloodshed in Palestine for the last twelve years is the persistence of the British Government in depriving the Arabs of their natural rights. We feel that there can be no security in future against the recurrence of disturbances such as those which have taken place, or perhaps of an even more serious nature, unless the British Government promptly and radically changes its policy . . . ”<sup>1</sup>

The telegram from the Arab Executive was in the following terms :

“ Palestine Arabs vehemently protest against Doctor Shiels declaration that Government desire continue old policy with repressive measures. We declare any policy inadequate safeguard our rights will result in troubles for which British Government and League will be responsible. Arabs are determined defend lines and right no matter what results. — PRESIDENT ARAB EXECUTIVE. ”

Because in actual fact the Arab attacks were directed against the Jews and it was the Jews who suffered, it would be a mistake to conclude that the movement was entirely devoid of any intention to resist British policy in carrying out the mandate in Palestine.

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5. The Commission of Enquiry sought to establish the degree of responsibility attaching to the Jews and Arabs respectively for both the immediate and the remoter causes of the disturbances.

The Mandates Commission sees its duty in another light. It is not its business to decide between the two sections of the population which these events have brought into collision, but only to consider the attitude of the Mandatory during and before the disturbances. The mandatory Power is alone responsible to the League of Nations for the mandated territory which it administers on the League's behalf, and it is on the observance of the mandate that — according to the actual terms of the Covenant — the Commission has to advise the Council.

That the immediate causes of the events include some for which the mandatory Government and its local agents are responsible has already been established by the Commission of Enquiry, and the mandatory Government has not hesitated to admit the fact.

On this matter the Permanent Mandates Commission has arrived at the following conclusions :

(a) It has already been observed that the numerous incidents centring at the Wailing Wall from September 1928 to August 16th, 1929, contributed largely to the creation of the state of mind which eventually led to the outbreak.

For the most part, these incidents were provoked by attempts by both parties to alter, as regards the arrangements at the place and the customary use made of it, the *status quo* that the British Government by its declaration of November 19th, 1928,<sup>2</sup> had ordered to be observed pending the agreement which, it was hoped, would be reached between Moslem and Jewish authorities regarding the performance of ceremonies before the Wall.

This declaration would have gained by being supplemented by police regulations specifying the practices in which Moslems and Jews might engage and those which were forbidden. In the absence of such regulations, the expression *status quo* had no definite meaning in the eyes of the two parties, who were equally disposed to exaggerate their claims. Moreover, the consequent uncertainty necessarily made it difficult for the police to act.

<sup>1</sup> Letter from the Secretary-General of the Palestinian Arab delegation to the President of the Permanent Mandates Commission, June 4th, 1930.

<sup>2</sup> Cmd. 3229.

The regulations, which might well have been issued earlier, were finally promulgated in September 1929.<sup>1</sup> They inevitably gave rise to recriminations on the part of those who found an equivocal position convenient, but since it is stated in the report on the administration of Palestine for the year 1929 (page 5), that “no incidents of note have taken place at the Wall since these instructions were issued”, it is reasonable to suppose that, had regulations been issued earlier regarding the use of the pavement in front of the Wall and the space immediately surrounding it, many incidents would have been avoided. The dangerous excitement to which they led was kept at a high pitch until the eve of the disturbances.

(b) The mandatory Government agrees with the Commission of Enquiry that this state of mind was maintained by the continual incitements of the Jewish — and, more especially — of the Arab local Press. It has however been established that the Administration did not always use at the right moment its powers under the Press Law to suspend seditious prints.

(c) It is beyond question that the Palestine Government was in several instances taken by surprise by these events.

In the course of the agitation, the Administration appears to have displayed a lack of insight, especially on the occasion of the Jewish demonstration before the Wall on August 15th and the Moslem counter-demonstration on the following day, the gravity of which it apparently did not foresee; and again during the days from August 20th to 23rd, when the danger, though imminent, could probably still have been warded off by proper precautions.

The inadequacy of the intelligence service, which is admitted by the mandatory Government, explains this failure to appreciate the situation.

(d) The hesitation of the local Administration during this period is explained by the fact that at the time of the incidents it had altogether inadequate armed forces at its disposal. As the Commission of Enquiry found, in conclusions which the mandatory Government did not deny, the authorities “were lulled into a false sense of security by the absence for some years of any overt acts of hostility. In consequence, the forces were reduced below the margin of safety”.<sup>2</sup> The Mandates Commission has several times, particularly at its ninth session, drawn the attention of the mandatory Power to the danger of excessive reduction of the British forces in Palestine.<sup>3</sup>

The last British regiment was withdrawn from Palestine in 1925, and from that time onwards the maintenance of order was entrusted to a body of native police, mostly Arabs but partly Jews, with a section of British police whose strength was reduced year by year.

As might have been expected in a country where explosions of religious and racial passions have constantly threatened the public peace, there was a defection on the part of the native contingents as soon as the rioting brought the two races into conflict. Some of them even joined the rioters.

Lastly, in Palestine, a country of 900,000 inhabitants, the maintenance of order at that critical moment was entirely in the hands of 175 British policemen, one squadron of aeroplanes, and one armoured car company.

It has been urged that the presence of larger forces would have had no decisive effect, and reference has been made to the massacres of 1920 and 1921, which larger British garrisons were not able to prevent. This argument seems unconvincing, and the Permanent Mandates Commission cannot help feeling that the insufficient number of the British troops and the inadequacy of the police force was the main cause of the large area over which the disturbances took place and the gravity of their consequences. The circumstances attendant upon the outbreaks at Hebron and Safed suffice to show that this inadequacy was largely responsible for the loss of many lives.

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6. As the disturbances of August 1929 followed upon a protracted period of tension between Arabs and Jews, it is necessary to ascertain whether the mandatory Power has, by the general policy it has followed since the mandate came into force, done everything that could legitimately be expected of it to prevent the explosion of the antagonisms that were known to exist, and to lessen their violence.

As the Mandates Commission pointed out as long ago as 1924 — a view which is restated in the report of the Commission of Enquiry, and explicitly recognised by the mandatory Government in its declaration of May 1930 — the task of the Power entrusted with the mandate for Palestine is a particularly delicate and difficult one. It is to ensure, at one and the same time, the establishment of a Jewish National Home in the country and the development of self-governing institutions for a population of which the great majority is Arab.

Up to the present, the execution of the mandate has certainly not given satisfaction either to the impatient advocates of a Jewish National Home or to the Arab extremists, alarmed by the influx into the country of immigrants who do not share their religious faith or their national aspirations.

The former accuse the mandatory Power of having hindered rather than promoted Zionist immigration and done too little to “encourage close settlement of Jews on the land, including

<sup>1</sup> Report on the Administration of Palestine for the year 1929, Appendix I.

<sup>2</sup> Report (Cmd. 3530), page 145.

<sup>3</sup> See Minutes of the ninth session, document C.405.M.144.1926.VI, page 217.



State lands, and waste lands not required for public purposes”, as Article 6 of the mandate directs. The latter, on the other hand, consider that the newcomers are receiving unduly generous treatment, that the number of immigrants authorised to enter the country is too great, and that there has been no “development of self-governing institutions” as provided for in Article 2 of the mandate.

These are the two problems which set the two elements of the population at variance, and in them is summed up the whole of the conflict in Palestine. The first is social and economic, raised by the Jewish immigration and settlement in Palestine. The second is political, arising out of the obligation to develop self-governing institutions in a country thus divided against itself.

It is neither possible, nor has the Mandates Commission the power or the wish to judge of these conflicting complaints in all their details and in all their bearings. It is required only to give a general opinion about them, and if, in the course of the following observations, the Commission cannot conceal its regret that on certain points the mandatory Power has not as yet succeeded in giving full effect to all the provisions of the mandate, its only desire in making them is to contribute, to the best of its limited powers, to the solution of the present difficulties.

The Commission views with approval the mandatory Power's intention of keeping Jewish immigration proportionate to the country's capacity of economic absorption, as clearly intimated in the White Paper of 1922. The Commission is inclined to ask whether the obligation to encourage close settlement by the Jews on the land does not — as a measure for the preservation of social order and economic equilibrium — imply the adoption of a more active policy which would develop the country's capacity to receive and absorb immigrants in larger numbers with no ill results.

Such a policy seems to have been no more than outlined in the form of encouragement and protection for embryo industries. It is quite clear, however, that the Jewish National Home, so far as it has been established, has in practice been the work of the Jewish organisation.

The mandate seemed to offer other prospects to the Jews. It must be recognised that their charge against the Palestine Government, that it has not fulfilled, by actual deeds, the obligation to encourage the establishment of the National Home, has been notably reinforced by the fact that the Government has shown itself unable to provide the essential condition for the development of the Jewish National Home — security for persons and property.

The ill-effects of the inaction — or at any rate the partial inaction — of the Palestine Government, confronted by the unprecedented phenomenon of the Zionist movement, has not been limited solely to Jewish interests. In such economic and social conditions as prevail in Palestine, a scheme of colonisation undertaken on so vast a scale was bound, as soon as it began to develop independently of the active intervention of the public authorities, to cause a profound disturbance in the lives of that section of the population which was not concerned in the movement.

Faced by a strongly organised Jewish body, under single control and with considerable capital at its disposal, the Arabs — with no organisation and no financial resources — were bound before long to have legitimate apprehensions regarding their economic future.

The Arab element might have found its interests safeguarded by a Government agricultural policy including, not only public works to develop the cultivable area, but also the organisation of agricultural credit, land credit and co-operative societies, together with an educational campaign which would have initiated them into the working of these institutions, convinced them of their advantages, and familiarised the fellaheen with modern methods of working the soil, as was recognised by the accredited representative at the present session. The fears that the Arabs felt when they saw the land passing into the hands of the Jews through sale after sale would certainly have been largely allayed had they observed that the cultivable area and the yield of the available land in the country as a whole were increasing at the same time.

Such action, both social and economic in character, could only be taken by the Government; for it could not be expected that the Arabs would take it themselves. Though undertaken for the direct benefit of the Arabs, it would have indirectly helped towards the establishment of the Jewish National Home. Consequently, the Mandates Commission ventures to think that had the mandatory Government concerned itself more closely with the social and economic adaptation of the Arab population to the new conditions due to Jewish immigration, it would have served the interests of both sections of the population. Moreover, if, in working the economic organisation — which would have been desirable in a country where, more than anywhere else, economic problems affect the outlook on life of the population — the mandatory Government had endeavoured to bring the two sections of the population into close association, it would have helped to bring about a fusion of interests, which is the best possible means of developing the sense of solidarity and of blunting the edge of antagonism.

Up to the present time, all those institutions which should have been open equally to both sections of the population, associated together under the patronage of the mandatory Government, have been established entirely on the initiative of the Jewish organisation, and naturally in the interests of the Jewish population alone. If institutions were now to be founded on official initiative for the benefit of the population as a whole, and more especially of the Arab element, which has so far been left to its own resources, there is some reason to fear that they would in their turn be viewed with indifference by the Jewish section, which is already provided for. In that case, there would be a danger of perpetuating the existence, in this small country, of two sections of the population as strangers to each other. Such a danger must be avoided, and the mandatory Government might be well advised to counteract this tendency by the



association of capital in industrial, agricultural, and commercial concerns. Another means which would help towards the same result would be to provide common vocational training for the youth of both communities as far as may be found possible.

The representatives of the Arab section complain that the Mandatory is not active enough in promoting the development of self-governing institutions.

The mandatory Government replies by referring to its repeated attempts to introduce a legislative Council, which have failed through the refusal of the Arabs to associate themselves with their schemes ; also by referring to the fact that autonomous municipalities have already been established, and that it intends to increase their number, and also to its attempt to set up advisory bodies such as an Arab Agency. It argues, not unreasonably, that the conduct of local affairs and the giving of advice in regard to affairs of general interest is a method of political education, and is indispensable as training for the population as a whole to take part in the work of self-governing institutions on a wider scale.

The claim for self-government is in no way surprising in a people who can watch the operation of representative institutions in some of its neighbours of the same race and civilisation ; it is an expression of a sentiment — pride of race — which certainly commands respect and can be justified to some extent by the terms of the Covenant and of the mandate itself. If those responsible for the agitation hoped by its means to secure the triumph of their opposition to the League of Nations as a party to the mandate, they will find no encouragement from the Mandates Commission.

To all the sections of the population which are rebelling against the mandate, whether they object to it on principle or wish to retain only those of its provisions which favour their particular cause, the mandatory Power must obviously return a definite and categorical refusal, as long as the leaders of a community persist in repudiating what is at once the fundamental charter of the country and, as far as the mandatory Power is concerned, an international obligation, which it is not free to set aside, the negotiations would only unduly enhance their prestige and raise dangerous hopes among their partisans and apprehensions amongst their opponents.

The Commission is entirely in sympathy with the regrets and hopes which doubtless inspired the statement made by the accredited representative in his final speech, when he said :

“ No Government can do good constructive work for the whole country while it has constantly to act as an umpire.”

The Commission hopes that the necessity of continually acting as an umpire between the hostile factions will not prevent the Palestine Government from proceeding to carry out a constructive programme in the interests of the peaceful masses of the population more vigorously than hitherto. It entertains this hope not only because such action is necessary for the complete execution of the mandate, but also because it believes that there is no better means of bringing about a general pacification than to encourage and organise in every possible way effective co-operation between the various sections of the population.

Such an attitude on the part of the mandatory Power and all its agents would assuredly have given them better protection against the continual demands of the representatives of the two parties. It would have enabled them to convince the Arab fellaheen more easily of the undeniable material advantages that Palestine has derived from the efforts of the Zionists. Moreover, by enhancing the moral authority of the mandatory Government as the natural protector of the holy places, it would have enabled them to dispel the apprehensions felt by the Arabs on account of the intention which they attributed to the Jews to encroach upon the Burak.

It is, of course, not proved that a more active policy on the part of the mandatory Power, and a firmer and more constant and unanimous determination on the part of all its representatives in Palestine to carry out the mandate in all its provisions, could have eliminated the racial antagonism from which the country suffers. In the view of the Mandates Commission, however, it seems at least probable that the force of that antagonism would have been diminished. Any uncertainty or hesitation in regard to the application of the various provisions of the mandate must inevitably have led the extremists in both camps to seek by propaganda and by force to obtain what the mandate, loyally interpreted and energetically carried out, could not give them.

The capacity of a Government to establish peace and concord among those whom it governs is proportionate to its confidence in itself and its policy ; and the likelihood of its being obliged to resort to force in order to impose its will is proportionate to the uncertainty of its intentions.

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7. Without awaiting the report of the Commission of Enquiry, the British Government took the steps immediately necessary to prevent any recurrence of the riots.

Two infantry battalions and certain units of the Royal Air Force were left in Palestine. By successive reinforcements, the strength of the British contingent of the police was brought up to 650 men. Lastly, arrangements were made for further reinforcements to be sent immediately if required.

These first measures seem to afford a guarantee that public order cannot again be seriously disturbed.

An experienced police official has been sent to Palestine to reorganise the native police force, which the mandatory Administration has not given up hope of reconstituting as a force that can be relied on in all circumstances.



Various measures recommended by the Commission of Enquiry, such as the improvement of the intelligence service, the protection of isolated Jewish colonies, and a more effective supervision of the Press, are under consideration.

As regards measures for the pacification of public opinion, mention should be made of the appointment of a Commission on May 15th, 1930, with the Council's approval, to settle the question of the Wailing Wall.

The British Government has also sent an expert, Sir John Hope Simpson, to Palestine to make a fresh enquiry, on the results of which definite decisions in regard to immigration, land tenure and agriculture can be based.

Meanwhile, the British Government has suspended the issue of immigration permits. This decision has been received very differently by the two elements of the population. Without offering any opinion upon it, the Permanent Mandates Commission has noted the statement of the representative of the mandatory Power that the measure is strictly temporary.

This statement should dispel the fears which have been expressed in Jewish circles as to the mandatory Power's inclination to discharge in full its obligation to encourage Jewish immigration and to ensure the establishment of the Jewish National Home under the conditions stipulated in the mandate.

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8. Successive Governments in Great Britain since 1922 have always asserted their firm determination scrupulously to carry out the terms of the Palestine mandate in all its provisions.

On September 3rd, 1929, the present Prime Minister, addressing the Assembly of the League of Nations, expressed his determination not to allow himself to be diverted from this line of policy. He said :

“ So far as we are concerned, it is not a question of Moslem or Jew, of Christian or non-Christian. I do not care what their race is, or their religion, or their culture ; there is no such differentiation in my mind in connection with the thought that I am about to express. No nation, no civilised nation, no nation with any political responsibility, no nation co-operating with other nations to do their best for all the peoples of the world, will ever yield to outbursts of criminality and murder.”

This firm intention on the part of the Mandatory to carry out the mandate in all its provisions was again strikingly asserted in a speech by the Prime Minister in the House of Commons on April 3rd, 1930. The Mandates Commission particularly notes the following statements in this speech, an extract from which appears at the head of the White Paper of May 1930 : <sup>1</sup>

“ His Majesty's Government will continue to administer Palestine in accordance with the terms of the mandate as approved by the Council of the League of Nations. That is an international obligation from which there can be no question of receding.

“ Under the terms of the mandate His Majesty's Government are responsible for promoting ‘ the establishment in Palestine of a National Home for the Jewish people, it being clearly understood that nothing shall be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine or the rights and political status enjoyed by Jews in any other country ’.

“ A double undertaking is involved, to the Jewish people on the one hand, and to the non-Jewish population of Palestine on the other ; and it is the firm resolve of His Majesty's Government to give effect, in equal measure, to both parts of the declaration, and to do equal justice to all sections of the population of Palestine. That is a duty from which they will not shrink, and to the discharge of which they will apply all the resources at their command . . . ”

At the extraordinary session, the accredited representative of Palestine in the Commission used language no less specific. In his first statement on June 3rd Dr. Drummond Shiels said :

“ We are committed not only to the establishment in Palestine of a National Home for the Jewish people, but also to the preservation of the civil and religious rights of the non-Jewish communities in the country. It is sometimes said that the two parts of this obligation are irreconcilable. We believe that they can be reconciled, and must be reconciled.” <sup>2</sup>

Again, in the course of his final statement to the Commission on June 9th, the accredited representative said :

“ We do not consider that the events of last August — deeply regrettable as we feel them to be — prove that the general lines of our Palestine policy are wrong, or require revision . . . We are, from our experience, fully aware of the difficulties inherent

<sup>1</sup> See Annex 2 to the Minutes.

<sup>2</sup> Minutes, page 12.

in the mandate. I have already stated that we do not believe that these difficulties are insuperable, but that they can and must be overcome.”<sup>1</sup>

From all these statements two assertions emerge which should be emphasised :

- (1) That the obligations laid down by the mandate in regard to the two sections of the population are of equal weight ;
- (2) That the two obligations imposed on the Mandatory are in no sense irreconcilable.

The Mandates Commission has no objection to raise to these two assertions, which, in its view, accurately express what it conceives to be the essence of the mandate for Palestine, and ensure its future.

The Commission is, however, of opinion that, in the interests of the restoration of a peaceful atmosphere in Palestine, the time has come to define the legal foundation of the first of these assertions.

In the Commission's view, interpretations of the Palestine mandate have too often confused two quite separate matters, namely :

- The objects of the mandate, and
- The immediate obligations of the Mandatory.

Considering only those clauses of the mandate which form virtually the whole subject of the controversy, the *objects of the mandate* are :

- The establishment of the Jewish National Home ;
- The establishment of self-governing institutions.

The mandate fixes no time-limit for the accomplishment of these objects, which is only common sense, because the event will depend on numerous circumstances over which the Mandatory has no control. Even the most energetic action and the employment of immense financial resources cannot alone achieve the establishment of the Jewish National Home, which is dependent upon economic factors ; and no political guidance, however enlightened and however effective, can develop, except in process of time, that political maturity without which the winning of complete *de jure* independence by a people is a mere illusion.

The *immediate obligation* of the Mandatory is defined in the mandate in the following terms :

- (1) “ Placing the country under such . . . conditions as will secure the establishment of the Jewish National Home. ”
- (2) “ (Placing the country under such conditions as will secure) the development of self-governing institutions. ”

Between the two terms of this obligation the mandate recognises no primacy in order of importance and no priority in order of execution.

It would be unfair to make it a complaint against the Mandatory that eight years after the entry into force of the mandate, Palestine has not yet been granted a regime of self-government ; and it would be equally unfair to reproach the Mandatory because the Jewish National Home has not yet reached its full development. Those are the *objects* of the mandate, and it is not one of the Mandatory's obligations to bring them to immediate completion. The Mandatory's immediate obligation is solely to create and maintain in Palestine general conditions favourable to the gradual accomplishment of the two objects of the mandate.

The policy of the Mandatory would not be fairly open to criticism unless it aimed at crystallising the Jewish National Home at its present stage of development, or rigidly stabilising the public institutions of Palestine in their present form. Judged by the acts in which it daily finds expression and the results already achieved, that policy deserves no such reproach.

The Mandates Commission's conception of the immediate duty of the mandatory Power is in accord with that expressed by the accredited representative when he compared the regime instituted in Palestine to an organism that is not static, but dynamic, and in constant process of evolution.<sup>2</sup>

The task of the Power responsible for the execution of the mandate over Palestine is a particularly difficult one. To this difficulty, which cannot have escaped the British authors of the Balfour Declaration or the framers of the mandate, the Commission only refers here in order to record its satisfaction that the mandatory Power does not consider it insuperable.

Excessive impatience on the part of the inhabitants of Palestine would only work to their own detriment by interfering with the operation of a system, the international bases of which they are not in a position to challenge.

The League of Nations is entitled to expect Palestinians, of all races, to recognise in fairness the merits of a regime which, while providing effective safeguards against arbitrary action, is leading the country steadily onwards to a political state which they will better appreciate in process of time, since most of them have never possessed political freedom, or even had any full assurance of individual freedom.

<sup>1</sup> Minutes, pages 85 and 86.

<sup>2</sup> Minutes, page 89.



The special features of the mandate system are eminently suited to form in Palestine a political unit on the model of many other nations which have found the root of their vitality in their mixed composition, and learnt from the variety of their religions the spirit of tolerance.

**B.**

**OBSERVATIONS ON THE ANNUAL REPORT ON THE ADMINISTRATION OF PALESTINE  
AND TRANS-JORDAN FOR THE YEAR 1929.<sup>1</sup>**

**GENERAL OBSERVATION.**

The task of the Permanent Mandates Commission would be much facilitated if the mandatory Power would be so good as to arrange the sections of the report in the order of subjects adopted by the Commission for its annual examination (page 91).

**SPECIAL OBSERVATIONS.**

**1. *International Relations.***

The Commission would be glad to have further information as to the restrictions alleged to have been imposed by various States in South and Central America on the immigration of Palestinians, and as to the protection afforded to the latter by the mandatory Power (pages 91 and 99).

**2. *Land Tenure.***

The Commission notes the accredited representative's promise that a map and statistics showing the results of the land survey up to the present will be included in the next report (pages 99 and 100).

**3. *Nationality.***

With reference to the discussions which took place at its twelfth session, the Commission would like to know when the mandatory Power sent instructions to its consular agents in regard to the formalities required for the granting of visas for return to Palestine of persons born in Palestine and returning to their country. In view of the fact that petitions on the subject are very often being submitted to it, the Commission would also like to know whether sufficient publicity has been given to the procedure adopted by the mandatory Power in this matter (pages 101 and 102).

**4. *Economic Equality.***

(a) *Concessions.* — The Commission notes the undertaking of the accredited representative to furnish in the next report a complete list of all concessions granted or recognised by the Palestine Government up to date (page 102).

(b) *Haifa Harbour Works.* — The Commission noted that, on account of difficulties in regard to the wages of Jews and Arabs respectively, the necessity of imposing special restrictions on contractors in order to preserve the important antiquarian remains in the quarry of Athlit, whence material for the contraction works will be largely taken, the Government has decided not to call for tenders for the whole of the Haifa Harbour Works, but to carry it out departmentally. Contracts for the supply of materials or the execution of portions of the work are, however, being given locally, as circumstances permit, and no discrimination will be exercised in the acceptance of these local contracts (pages 102 and 103).

**5. *Judicial.***

The Commission would be grateful to find in future annual reports information concerning the activity of the religious courts of Palestine (pages 94 and 95).

**6. *Trans-Jordan.***

(a) *Arms and Ammunition.* — The Commission would like to be informed as to the steps taken to control the arms traffic in Trans-Jordan (page 106).

<sup>1</sup> The page references are to the Minutes of the Session.

(b) *Slavery*. — The Commission asks for information as regards the progress made in the abolition of slavery in Trans-Jordan since 1924, and particularly the results of the enactment of the Ordinance of 1929 for the Abolition of the Status of Slavery (page 107).

#### 7. *Labour*.

The Commission hopes to find in the next annual report some indication that the Administration is developing a policy of labour legislation adapted to the increasing industrialisation of the country and designed to meet the problems which that industrialisation is creating (pages 96-98).

#### 8. *Public Health*.

Although recognising the efforts made by the Government and by private institutions in the matter of public health, the Commission would like to know whether it would not be possible for the Administration to devote a larger sum to this purpose, since it appears that the population of certain areas has recently been without adequate hospital facilities (pages 113-115).

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### C.

#### PETITIONS.

At its seventeenth session, the Commission considered the petitions mentioned below, together with the observations thereon furnished by the mandatory Power.<sup>1</sup> Each of the petitions was reported on in writing by a member of the Commission. After discussion, the following conclusions were adopted by the Commission. The texts of the reports submitted to the Commission are attached to the Minutes.<sup>2</sup>

(a) *Petitions of the Supreme Moslem Council, dated October 14th, 1929* (document C.P.M.958), *and February 17th, 1930* (document C.P.M.1014).

Observations of the British Government dated May 12th, 1930 (document C.P.M.1014).

Report (see Minutes, Annex 5).

#### CONCLUSION.

The Permanent Mandates Commission, having considered two petitions from the Supreme Moslem Council concerning the Wailing Wall, one of which has been commented on by the mandatory Power, is of opinion that no action is required so far as these petitions are concerned. The question with which they deal is, in fact, to be considered by an international Commission appointed by the mandatory Power with the express approval of the Council of the League of Nations, in a desire for impartiality, which is wholly in accordance with justice and the spirit of the mandate.

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(b) *Telegram from the Nablus Arab Executive Council, dated September 1st, 1929, and forwarded on November 8th, 1929, by the British Government with its Observations thereon* (document C.P.M.959).

Report (see Minutes, Annex 7).

#### CONCLUSION.

The Commission considers that, the questions raised by the present petition and the observations thereon having been discussed at length in connection with the Shaw Report, and the Mandates Commission having formulated and addressed to the Council of the League all the necessary observations on the subject, no further action is required on the petition from the Nablus Arab Executive Committee.

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<sup>1</sup> The Chairman received a great number of communications relating to the recent events in Palestine. Lists of these communications are annexed to the Minutes (Annexes 8 and 9).

<sup>2</sup> The Commission recommends that copies of these petitions and of the observations of the mandatory Power relating thereto which the Commission has not considered it necessary to annex to the Minutes and thereby circulate to the Council and the States Members of the League should be kept in the League Library at the disposal of persons who may wish to consult them.



- (c) *Memorandum of the Zionist Organisation, dated May 2nd, 1930, on the Development of the National Jewish Home in Palestine in 1929* (document C.P.M.1036).

Report (see Minutes, Annex 4).

CONCLUSION.

The Permanent Mandates Commission considers that neither the memorandum nor the observations of the mandatory Government would seem to give occasion for a recommendation to the Council. Several of the points raised are dealt with in the Commission's general report to the Council.

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- (d) *Petition of M. Ihsan el Djabri, dated September 7th, 1929* (document C.P.M.936).

Observations of the British Government dated March 22nd, 1930 (document C.P.M.999).

Report (see Minutes, Annex 6).

CONCLUSION.

The Commission, considering that the greater part of the petition deals with the existence of the mandate and its abolition, that the mandatory Power has replied pertinently to the remaining assertions, and more especially that the document deals generally with questions which were discussed at the extraordinary session of the Mandates Commission, when the Shaw Report was examined in the presence of the accredited representative of the mandatory Power, thinks no further importance need be attached to the allegations made in the petition.

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## II.

### COMMENTS BY THE MANDATORY POWER.

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#### LETTER DATED AUGUST 2ND, 1930, TRANSMITTING THE COMMENTS OF THE BRITISH GOVERNMENT.

I am directed by Mr. Secretary Henderson to transmit to you the accompanying copies of a memorandum, containing the comments of His Majesty's Government in the United Kingdom on the General Report of the Permanent Mandates Commission on the work of their Seventeenth (Extraordinary) Session, dealing with the events which occurred in Palestine in August and September, 1929.

2. The Secretary of State will be grateful if you will be so good as to cause this document to be circulated together with the above-mentioned General Report.

(Signed) MONTEAGLE.

The General Report of the Permanent Mandates Commission to the Council of the League on the work of the seventeenth extraordinary session of the Commission, dealing with the events which occurred in Palestine in August and September 1929, is divided into three parts. The first contains a commentary on the nature of the outbreak and on the attitude and conduct of the mandatory Power during and before the outbreak (see pages 3 to 8). The second deals with the steps taken by the mandatory Power to restore and maintain order (see page 8). The third deals with future policy in Palestine (see pages 8 to 10).

As regards the second and third parts, His Majesty's Government in the United Kingdom note with satisfaction that the measures taken by them to restore and maintain order in Palestine last autumn appear to have met with the tacit approval of the Mandates Commission and that, in their opinion, the action which has subsequently been taken seems to "afford a guarantee that public order cannot again be seriously disturbed" (paragraph 7 of Report). His Majesty's Government are also glad to note that the Commission consider that the statement of their accredited representative regarding the suspension of certain immigration permits should "dispel the fears which have been expressed in Jewish circles as to the mandatory Power's inclination to discharge in full its obligation to encourage Jewish

immigration and to ensure the establishment of the Jewish National Home under the conditions stipulated in the Mandate " (paragraph 7 of Report).

In regard to future policy, His Majesty's Government have duly noted that the Mandates Commission has no objection to raise to the views expressed by the accredited representative regarding the obligations laid down by the mandate in regard to the two sections of the population of Palestine. It is also noted that the Commission appear disposed to acquit His Majesty's Government of any charge of failure in its obligations or its immediate duties in regard to the establishment of a regime of self-government in Palestine ; that the Commission's conception of the immediate duty of the mandatory Power is in accord with that expressed by the accredited representative and that, generally speaking, the mandatory Power's conceptions as regards future policy in Palestine are not called in question by the Commission.

In the first part of the Report, however, it is observed that numerous and, in some cases, somewhat serious criticisms are levelled by the Permanent Mandates Commission against the mandatory Power in respect of its policy during the past quinquennium. Perhaps the most important criticism is that expressed particularly in paragraph 6 — that the partial inaction of the mandatory Power as regards its obligations to the Palestinian population, both Arab and Jewish, is the fundamental cause of the friction which eventually culminated in the serious disorder of August 1929. Particular emphasis is laid upon the alleged failure of His Majesty's Government to promote agricultural and educational development and a more extensive programme of public works, and to encourage co-operation between Jews and Arabs, as a cause of dissatisfaction on the part of the Arabs with the mandatory regime. This criticism is the more surprising in view of the fact which was brought out by the accredited representative at the tenth meeting of the seventeenth session of the Permanent Mandates Commission that, since the acceptance by His Majesty's Government of the Palestine Mandate, the comments of the Permanent Mandates Commission upon the British administration, based upon an examination of Annual Reports and of information supplied year after year by accredited representatives, cannot be said to have foreshadowed in any way the charges now brought against the manner in which the mandatory Power has been carrying out its obligations.

In paragraph 4 of their Report, the Permanent Mandates Commission state that the resentment which caused the Arabs to commit excesses was " ultimately due to the political disappointments which they attributed to the parties concerned in the mandate and primarily to the British Government ". Nevertheless, in paragraph 6, it is argued that a more active policy on the part of His Majesty's Government in promoting the interests of the Arabs in the social and economic spheres, and in bringing the two sections of the population — Jewish and Arab — into close association, would have blunted the edge of antagonism. Such an argument appears somewhat inconsistent with the passage quoted from paragraph 4. It fails to take account of the paramount importance hitherto attached by the Arab leaders to the political issue, and it ignores the fact that the demands of the Arabs have always been for a particular form of representative institutions which would be plainly incompatible with the execution of the mandate. The repeated offers of His Majesty's Government to associate Arabs and Jews in a form of representative government which would be compatible with their mandatory obligations have always been rejected by the Arab leaders. The difficulties created for the mandatory Power by this attitude on the part of the Arabs seem to be inadequately appreciated by the Mandates Commission, although they were more than once brought to their notice by the accredited representative.

Moreover, His Majesty's Government desire to emphasise the fact that the obligation imposed on them by the mandate is of a complex character, as is shown by the wording of Article 2 :

" The Mandatory shall be responsible for placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish National Home as laid down in the Preamble ; the development of self-governing institutions ; and for safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race or religion."

Nevertheless, on page 9 of their Report, the Permanent Mandates Commission refer to the " immediate obligation " of the Mandatory as being defined in the mandate in the following terms :

" 1. Placing the country under such . . . conditions as will secure the establishment of the Jewish National Home ;

" 2. (Placing the country under such conditions as will secure) the development of self-governing institutions."

It is remarkable that no reference is made by the Mandates Commission in this connection to the important qualification already quoted from Article 2 of the Mandate, namely, that the Mandatory shall also be responsible for " safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion ".

This, in the opinion His Majesty's Government, is the core of the problem. Although the difficult nature of their task is elsewhere to some extent recognised, the bearing of this particular obligation upon the problem of devising measures which would admit of the increasing development of the two races side by side is largely ignored.



His Majesty's Government note that the findings of the Shaw Commission on questions of fact, such as the causes and responsibility for the outbreak, have been in some cases ignored and in others called in question. Whatever view may be taken as to the conclusions arrived at by the Commissioners, their verdicts on questions of fact, coming, as they do, from so authoritative a source, and based, as they are, upon actual evidence tested by rigorous cross-examination, make surprising the attitude towards them of the Mandates Commission. This is the more striking when contrasted with the fact that at the same time criticisms taken from a Jewish memorandum (which reached the mandatory Power too late for an accompanying comment to be made upon it) have been adopted, and when it is freely admitted by the Commission that account has been taken of criticisms from various sources upon which also no opportunity of comment could be open to the mandatory Power.

Allusion was made to this point by the accredited representative at the sixth meeting of the Mandates Commission.

Generally speaking, pronouncements on the charges of Arabs against Jews and of Jews against Arabs have been omitted from the report as ultimately held to be outside the scope of the Mandates Commission, although they were discussed at length in the proceedings. The mandatory Power has, in consequence, been made to appear as the only one of the parties concerned who is deserving of criticism.

The manner in which *ex parte* statements reflecting on the conduct of His Majesty's Government have been adopted by the Commission, while the considered judgments of the Shaw Commission, based on an exhaustive enquiry on the spot and upon evidence which had been subjected to searching cross-examination by eminent counsel, have been dismissed as untenable or have been ignored, suggests that undue weight has been given to criticisms of the Mandatory which His Majesty's Government had insufficient opportunity of rebutting, or in some cases none at all. His Majesty's Government cannot but feel that protest is called for against the procedure of the Commission in basing much of their criticism on information drawn from such sources.

It is now proposed to comment, in some detail, on the criticisms contained in the Commission's Report. In the fifth sub-paragraph on page 4, the Permanent Mandates Commission state that they dissent from the definite conclusion of the Shaw Commission that the outbreaks were not premeditated. The suggestion of the Mandates Commission is supported by reference to various passages in the Shaw Commission's Report. It should, however, be pointed out that, after taking into account the facts which came to their notice (such as the absence of simultaneous action in different parts of the country and the fact that there was no interference with communications by the cutting of telegraphs, blocking of roads, destruction of bridges and railway lines), it was the considered judgment of the Shaw Commission, who had much tested evidence before them, that :

“ The outbreak was not premeditated.

“ Disturbances did not occur simultaneously in all parts of Palestine, but spread from the capital through a period of days to most outlying centres of population and to some rural districts.”

This view has been accepted by His Majesty's Government, who cannot but feel that, considering the exhaustive nature of the enquiry and the care with which evidence was collected and sifted by the Shaw Commission and exhaustively dealt with in cross-examination, the grounds on which the Permanent Mandates Commission differ from the conclusion arrived at are scarcely adequate.

These grounds are solely certain statements made by the Shaw Commission themselves, in a variety of contexts. It is obvious that all these points, cited as inconsistent with the conclusion arrived at, were necessarily taken into account by that Commission and their importance carefully appraised by them, before they arrived at the considered opinion which the Permanent Mandates Commission, without any further evidence before them except *ex parte* and untested statements, seem inclined to call in question. This point is mentioned, as it has a bearing upon a later paragraph of the Report, reference to which will subsequently be made. It may be added that the whole question has already been dealt with in the memorandum submitted by the accredited representative in reply to the statement of M. Van Rees.

In the next few sentences of their Report (paragraph 5 on page 4), the Mandates Commission argue that the Shaw Commission were wrong in holding that the outbreak was not an outbreak against British authority. His Majesty's Government do not find any evidence of that view. It may be that the outbreak was “ ultimately due to political disappointments ”. The evidence to which the Permanent Mandates Commission refer in support of their view is apparently the protest by various Arab authorities against the fundamental position in Palestine, as fixed by the mandate itself. These protests are not in any sense protests against British authority, but are protests against the mandate and the action of the League of Nations. British authority is only implicated as being the mechanism by which the mandate is worked. On this point, the Permanent Mandates Commission has pronounced its opinion in the following words :

“ To all the sections of the population which are rebelling against the mandate, whether they object to it on principle or wish to retain only those of its provisions which favour their particular cause, the mandatory Power must obviously return a definite and categorical refusal ” (paragraph 6, page 7, of Report).



Whatever may have been the attitude of the Arab leaders, the significant fact remains that, during the disturbances, no attack was made or attempted on the local representatives of British authority. This fact, which speaks for itself, and which was directly brought to their notice by the accredited representatives, finds no place in the Report of the Permanent Mandates Commission.

In paragraph 5 of the Report, certain conclusions are formulated regarding the responsibility of the mandatory Power and the Palestine Government for the immediate causes of the outbreak. The first conclusion condemns the Government for not having defined the *status quo* in regard to the Wailing Wall before the disturbances. It is suggested that detailed regulations, such as were issued by the Palestine Government after the outbreak, might have been promulgated at an earlier date with favourable effect.

It was, however, obviously the right course for the Government, in matters of a religious nature (especially having regard to the doubtful juridical position created by the failure — for which His Majesty's Government can accept no responsibility — to establish the Holy Places Commission announced in the mandate itself), to try to arrive at a definition of the *status quo* by agreement rather than to impose it. That is exactly what the Palestine Government were attempting to do before the outbreak. The delay which, in fact, occurred was due to the failure of one of the parties to the dispute to comply promptly with the request that they should submit their claims with the evidence on which they were based, and also partly to the necessity for obtaining authoritative legal advice on certain points connected with the powers of the Palestine Government under the mandate. The position was explained by the accredited representative at the third and ninth meetings of the Commission. In this connection, it should be recalled that in July 1929, only a month before the disturbances, Sir John Chancellor, who had been continuously seeking to obtain information as to the nature of the "rights" involved, explained to the Mandates Commission what action he was taking with regard to the Wailing Wall, and the Chairman congratulated the High Commissioner "upon having done all in his power to obtain a fair and satisfactory solution of the problem" (see page 94 of the Minutes of the Fifteenth Session). It would appear inconsistent for the Mandates Commission to take the view that the policy, of which they expressed approval in July 1929, was in August 1929 entirely wrong.

The third conclusion of the Commission is that the Palestine Government was, in several instances, taken by surprise by events, and, in this connection, the Commission refer to the inadequacy of the Intelligence Service. The inadequacy of this Service has already been recognised and steps are being taken to remedy it. The force, however, of this conclusion depends largely upon the acceptance of the view expressed by the Mandates Commission that there was premeditation. The Shaw Commission, after elaborate enquiry and examination of witnesses, held that this was not the case. If there was, in fact, no premeditation, it is, of course, not unnatural that the local authorities should have been taken by surprise by the events which occurred.

Conclusion (d) refers to the inadequacy of the armed forces at the disposal of the local Administration. His Majesty's Government must point out that (as was explained by the accredited representative at the fourth meeting of the Commission) the reduction was carried out on the advice of a High Commissioner to whose knowledge of the country was added the experience acquired during a distinguished military career; that the reduction was a step in the direction of establishing civil government on more normal lines than before; and that it had the advantage of making available for the development of the country funds which would otherwise have been expended on defence. Nevertheless, in the light of subsequent events, it cannot be denied that the forces immediately available were inadequate to deal with sudden and widespread disturbances. But when the Commission goes on to say in its Report that it had "several times" drawn the attention of the Mandatory to the danger of excessive reduction of British Forces, His Majesty's Government feel bound to point out that the sole reference quoted in support of this statement is the passage in the Report of the ninth session (June 1926), which runs as follows:

"The Commission note with satisfaction that the political unrest in the country is decreasing, and that order has been preserved in all parts of Palestine. The Commission does not doubt that the mandatory Power will always have at its disposal local forces capable, by their composition and number, of preventing any trouble which might constitute a menace to any part of the population".

The only other reference in reports of the Commission which can be traced occurs in the Report of the seventh session (October 1925) and runs as follows:

"The Commission notes with satisfaction that the peace and order existing in Palestine has enabled the mandatory Power to maintain only a very small armed force in the territory."

The Mandates Commission were fully informed as to the strength of the forces stationed in Palestine, and, when they were considering the Palestine Report only a month before the outbreak, they gave no indication that they regarded those forces as inadequate. It is difficult to see how the statements in the reports of the Permanent Mandates Commission already quoted can, in the light of subsequent events, be converted into serious warnings against the danger of an inadequate garrison.



The third sub-paragraph of the conclusion (d) runs :

“ As might have been expected in a country where explosions of religious and racial events have constantly threatened the public peace, there was a defection on the part of the native contingent as soon as the rioting brought the two races into conflict.”

His Majesty's Government are not aware of the grounds on which the Mandates Commission regarded such a result as expected. The Commission have all along known the composition of the Palestine police force and the various changes which have taken place in it. If it was to be expected that such a force would prove to be unreliable when tested, it is to be regretted that the Commission did not warn the mandatory Power of the danger which it was incurring. To maintain order in a territory by a police force from which the inhabitants of that territory are excluded is a policy which His Majesty's Government, in the light of long and varied experience, are unable to view with favour and which is open to objection on political, administrative and financial grounds. They feel that they were justified in adopting, in the case of Palestine, a system which has been attended with success in many other territories, and which they have still reason to hope will prove successful in Palestine.

Paragraph 6 of the Report contains various charges, the substance of which would appear to be that the mandatory Power has failed, in important respects, to carry out the mandate. In taking this view, the Mandates Commission appear to have accepted the more extreme Jewish contentions regarding the meaning and object of the mandate. The duty imposed on the mandatory Power is not to establish the Jewish National Home in Palestine. This is the function of the Jews themselves, directed by the Jewish Agency. The mandatory Power is “ responsible for placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish National Home . . . and the development of self-governing institutions and also for safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion ”. The difficulty, serious enough in itself, in fulfilling the first two objects is further increased by the addition of the third.

In paragraph 8 (page 9), the Commission express the opinion that “ in the interests of the restoration of a peaceful atmosphere in Palestine, the time has come to define the legal foundation ” of the assertion that the obligations laid down by the mandate in regard to the two sections of the population are of equal weight. His Majesty's Government fail to see how any ambiguity in the terms of the mandate can be removed by any act of the Palestine Government or of the mandatory Power. His Majesty's Government would, however, welcome any elucidation of the suggestions of the Mandates Commission which the Council may care to offer.

The further charge that His Majesty's Government have failed in their mandatory obligations *vis-à-vis* the Arabs by neglect of agricultural and other development is one which His Majesty's Government feel they must deal with at greater length. The Mandates Commission seem to imply that a proper development policy would have so increased the general productivity, prosperity and contentment of the population as to reconcile the Arab section of the community to a progressively increasing inflow of Jewish immigrants. Having regard to the unpromising local conditions, such a view assumes that practically unlimited funds for this purpose are at the disposal of the Palestine Government. Their resources, on the contrary, are strictly limited. It implies, moreover, a fundamental misconception of the general policy of His Majesty's Government with regard to the territories for which they are responsible. It has been their consistent aim, justified by long experience, to emancipate as soon as possible such territories from dependence upon grants-in-aid from the British Exchequer. If a territory is to be developed on sound economic lines, it must be, in the opinion of His Majesty's Government, on the basis that it is self-supporting. It is true that until recent years it has been necessary to assist the Government of Palestine by grants from the British Exchequer. In fact, the expense which has fallen on His Majesty's Government in connection with the mandate has not been inconsiderable. Taking only the period since 1921, when the present system of administration (*i.e.* control by the Secretary of State for the Colonies) was inaugurated, the sums provided by His Majesty's Government have amounted to more than nine million pounds sterling. This expenditure naturally includes the cost of defence of the territory : in addition a loan of £4,500,000 was raised by the Palestine Government in 1927 on the guarantee of His Majesty's Government for expenditure upon railways, harbour construction, port improvements and other public works.

It should further be pointed out that any policy of development in Palestine must take account of the obligations imposed by the mandate. This was recognised by the Permanent Mandates Commission in 1924, when, in the Report on their fifth session, they write as follows :

“ It is obvious that if the mandatory Power had only to take into consideration the interests of the population, its immigration policy ought to be dictated primarily by considerations of the economic needs of the country. It is, moreover, equally clear that if the mandatory Power had not to take into account the interests of the Arab population, and if its sole duty was to encourage Jewish immigration in Palestine, it might be in a position to pursue an agrarian policy which would facilitate and expedite to a greater extent than its present policy the creation of a Jewish National Home.”



If account is taken of the foregoing general considerations, His Majesty's Government feel that it may justly be claimed that they have not been neglectful of their obligations in regard to development. No reference is contained in the report of the Permanent Mandates Commission to the work which has already been done in this direction by the mandatory Power in developing and improving conditions in Palestine. Previous to this Report, the Mandates Commission have at no time expressed any dissatisfaction with the progress attained.

Some details as to the work of the Palestine Administration will be found in the Appendix to this memorandum.

The foregoing paragraphs deal with the more serious criticisms levelled against His Majesty's Government by the Permanent Mandates Commission. The last part of their Report, dealing with future policy, will be further considered by His Majesty's Government.

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### Appendix.

The following is a brief account of some of the activities of the British Administration, information as to which has been available to the Mandates Commission in reports published by His Majesty's Government :

The successive reports by His Majesty's Government to the League of Nations reveal the increased benefits enjoyed by the inhabitants of Palestine as the result of the Government's activities in matters of education, agriculture, communications (roads, posts and telegraphs), health, sanitation, land tenure, etc.

These are described down to 1925 in the Report of the High Commissioner, 1920-1925, which was published as Colonial No. 15 by His Majesty's Stationery Office, and copies of which were transmitted to the Secretariat of the League of Nations.

Education is dealt with on pages 13 and 14 of that Report. It will be seen that, as the result of the steps taken by the Government, 190 new schools were established during the period under review. Practically all of these were Arab schools.

So far as concerns agriculture, the loans issued to cultivators in these years went far to save the situation for the agriculturists of Palestine. The activities of the Department of Agriculture and Forests during that period were also clearly of great benefit to the agriculturists. Particular reference is invited to the measure taken with regard to tobacco cultivation, referred to on page 17 of the Report. At the same time, steps were taken by the Palestine Government to improve and extend the road and railway systems. The postal services before the war were largely maintained by agencies established by certain of the European powers ; the telegraph system was restricted, and telephones non-existent. It is no small advance that a complete system, modelled on the British Post Office, has been established for these three purposes.

Nowhere was there a more pressing need for action, and nowhere has greater progress been achieved than in the sphere of public health. The Report already referred to describes the steps taken by the Government to combat malaria and other diseases. The following passage may be quoted in connection with anti-malarial measures :

“ What has already been accomplished is a source of deep satisfaction to the Government and to the bodies co-operating with it. The results have been of incalculable benefit to the people. They are the best argument and the strongest incentive to further effort on the same lines.”

The land system of the country was left by the Turks in a state of complete confusion, and steps were taken for the commencement of a proper land settlement, a definite registration of titles and a re-valuation.

Further reference to the benefits derived by the population as a whole is made on page 41 of the Report in the following terms :

“ Under their (administrative officers') auspices, there were signs of progress such as had been unknown before. Nearly 200 villages could show new schools. Roads were being constructed in every direction. Several villages were provided with new water supplies. Fresh land was being brought under cultivation. Agricultural experts gave useful advice. Tobacco growing was encouraged. Robbers were put down. Old blood feuds were settled.”

In the following paragraph, the High Commissioner referred to the steps which had been taken to secure the permanent settlement on lands in the Jordan Valley of certain tribes of Bedouin who were cultivators of the lands.

As regards the period subsequent to 1925, attention is invited to the Annual Reports on the Administration of Palestine for 1926, 1927, 1928 and 1929.

Section 5 of the Annual Report for 1929 contains a review of the Government's activities in the educational sphere, together with a brief description of the system obtaining at the date of the British occupation. There can be no doubt that there has been a vast improvement in



the educational facilities offered by the Government, and the Arabs especially have benefited from this, since the majority of the schools directly maintained and administered by the Government are Arabic schools.

Government activities in matters of agriculture, communications, etc., have continued, and further instances of the benefits derived by the population, subsequent to 1925, are obtainable from the Annual Reports referred to above. In 1926, an outbreak of cattle plague was promptly checked by vigorous measures instituted by the Palestine Government (page 45 of the 1926 Report), while the Entomological Service was engaged in anti-locust campaigns in 1928 and also 1929 (page 71 of the 1928 Report and page 101 of the 1929 Report.) An investigation is being carried out into the question of irrigation (page 96 of the 1929 Report) and an Horticultural Service has been established under the control of a citrus fruit specialist (page 98 of the 1929 Report). An instance of Government assistance to Arab cultivators is afforded by the case of the Bedouin in the Beersheba district, who in 1927 were granted agricultural loans to the extent of £P20,000 (page 52 of the 1927 Report). Further improvements are recorded in the roads and railway systems in the reports for the period under review, while among other measures taken in the interests of public health, there have been established Government ophthalmic clinics (page 36 of the 1926 Report) and child welfare centres (page 42 of the 1927 Report).

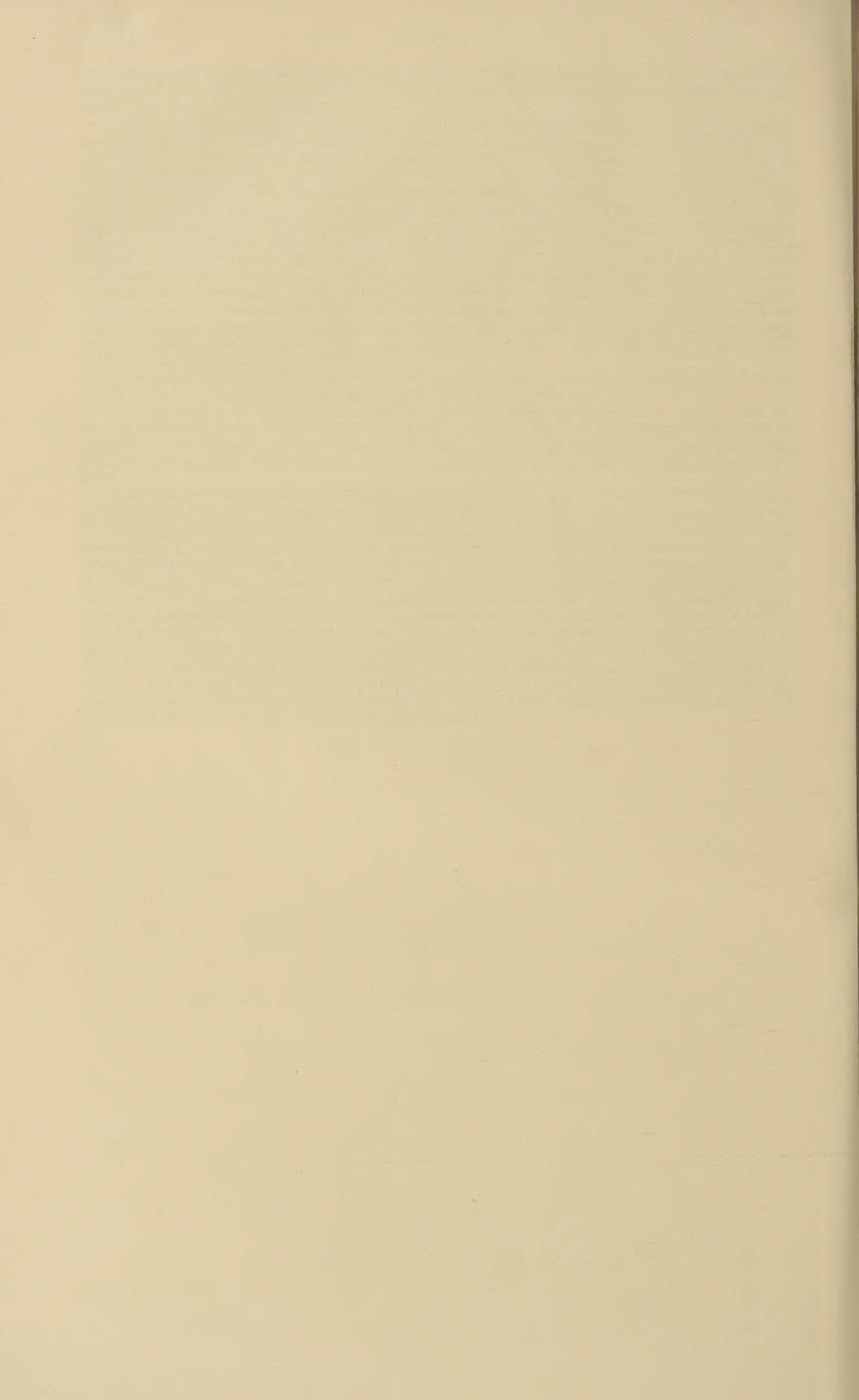
The various public works carried out by the Government, and the Haifa Harbour Works which are now in progress, afford employment for both Arabs and Jews.

In addition to the various activities of the Department of Agriculture already referred to, the following items may be mentioned: the establishment of experimental plots and a stock farm, the importation of stallions, bulls, donkeys, sheep, goats and poultry for the benefit of local stock farmers, the provision of expert agricultural advice and of a trained veterinary staff.

An important consideration vitally affecting the development work of the Palestine Administration is the difficulty with regard to the land system already mentioned above. The difficulties of land settlement in Palestine are almost unparalleled, owing to the confusion in which the Land Register was left after the war, as was mentioned by the accredited representative at the tenth meeting of the Commission. Active steps have for a long time been taken to reduce chaos to order in this respect, but it cannot but be a lengthy and complicated process, and many activities, such as the provision of financial assistance for cultivators, must, to a large extent, be dependent upon the progress made towards its completion. It should further be added that considerable misapprehension seems to exist on the question of State or waste lands, the assumption being that large tracts of potentially productive land under the control of the State are at present being kept idle owing to a backward development policy. This is entirely untrue. The extent of State lands available for such a purpose is extremely limited, and in the only case of a considerable area, namely, the Beisan Lands, steps to secure the permanent settlement of Arab cultivators have already been taken.







## Permanent Mandates Commission (VI)

Minutes of the First Session, held at Geneva, October 4th to 8th, 1921. (C.416.M.296. 1921.VI) . . . . .	5/-	\$1.—
Minutes of the Second Session, held at Geneva, August 1st to 11th, 1922. (A.36.1922.VI)	5/-	\$1.—
Minutes of the Third Session, held at Geneva from July 20th to August 10th, 1923. (A.19.1923.VI) . . . . .	7/6	\$2.—
Annexes to the Minutes of the Third Session. (A.19. Annexes. 1923.VI) . . . . .	5/-	\$1.20
Minutes of the Fourth Session, held at Geneva from June 24th to July 8th, 1924 (and Annexes). (A.13.1924.VI) . . . . .	5/9	\$1.40
Minutes of the Fifth Session (Extraordinary), held at Geneva from October 23rd to November 6th, 1924. (C.617.M.216.VI) . . . . .	6/6	\$1.60
Minutes of the Sixth Session, held at Geneva from June 26th to July 10th, 1925. (C.386. M.132.1925.VI) . . . . .	6/6	\$1.60
Minutes of the Seventh Session, held at Geneva from October 19th to 30th. (C.648. M.237.1925.VI) . . . . .	7/-	\$1.80
Minutes of the Eighth Session (Extraordinary) held at Rome from February 16th to March 6th, 1926, including the Report of the Commission to the Council. (Ser. L.o.N. P. 1926.VI.A.5) . . . . .	5/-	\$1.20
Minutes of the Ninth Session of the Permanent Mandates Commission, held at Geneva from June 8th to 25th, 1926 (including the Report of the Commission to the Council). (Ser. L.o.N. P. 1926.VI.A.18) . . . . .	6/-	\$1.50
Minutes of the Tenth Session, held at Geneva from November 4th to 19th, 1926 (including the Report of the Commission to the Council). (Ser. L.o.N. P. 1926.VI.A.24) . . . . .	6/6	\$1.60
Minutes of the Eleventh Session, held at Geneva from June 20th to July 6th, 1927 (including the Report of the Commission to the Council). (Ser. L.o.N. P. 1927.VI) . . . . .	not on sale.	
Minutes of the Twelfth Session, held at Geneva from October 24th to November 11th, 1927 (including the Report of the Commission to the Council). (Ser. L.o.N. P. 1927. VI.A.10.—C.P.M. 12th Session.P.V.) . . . . .	7/6	\$2.00
Minutes of the Thirteenth Session, held at Geneva from June 12th to 29th, 1928 (including the Report of the Commission to the Council). (Ser. L.o.N. P. 1928.VI.A.9) . . . . .	7/6	\$2.00
Minutes of the Fourteenth Session, held at Geneva from October 26th to November 13th, 1928 (including the Report of the Commission to the Council). (Ser. L.o.N. P. 1928. VI.A.14) . . . . .	10/-	\$2.50
Minutes of the Fifteenth Session, held at Geneva from July 1st to 19th, 1929 (including the Report of the Commission to the Council and Comments by Various Accredited Representatives of the Mandatory Powers). (Ser. L.o.N. P. 1929.VI.A.2) . . . . .	10/-	\$2.50
Minutes of the Sixteenth Session, held at Geneva from November 6th to 26th, 1929, (including the report of the Commission to the Council and comments by certain Accredited Representatives of the Mandatory Powers). (Ser. L.o.N. P. 1929. VI. A. 4). . . . .	6/-	\$1.50
Report on the First Session submitted to the Council of the League of Nations on behalf of the Commission by its Chairman, the Marquis Theodoli. (C.395.M.294.1921.VI)	3d.	\$0.05
Report on the Second Session of the Permanent Mandates Commission to the Council (A.39.1922) . . . . .	9d.	\$0.20
Report on the Work of the Third Session of the Commission, forwarded by the Council to the Assembly. (A.46.1923.VI) . . . . .	9d.	\$0.20
Report on the Work of the Fourth Session of the Commission, submitted to the Council (A.15.1924.VI) . . . . .	6d.	\$0.15
Report on the Work of the Fifth (Extraordinary) Session of the Commission, held at Geneva from October 23rd to November 6th, 1924, submitted to the Council of the League of Nations. (C.661.M.264.1924.VI) . . . . .	4d.	\$0.10
Report on the Work of the Sixth Session of the Commission, held at Geneva from June 26th to July 10th, 1925, submitted to the Council of the League of Nations. (A.14.1925.VI) . . . . .	6d.	\$0.10
Report on the Work of the Seventh Session of the Commission (October 19th-30th, 1925), submitted to the Council of the League of Nations. (C.649.M.238.1925.VI) . . . . .	4d.	\$0.10
Report to the Council of the League of Nations on the Work of the Eighth (Extraordinary) Session of the Commission, held in Rome, February 16th to March 6th, 1926. (Ser. L.o.N. P. 1926.VI.A.2) . . . . .	5d.	\$0.10
Report on the Work of the Ninth Session of the Commission (Geneva, June 8th-25th, 1926), submitted to the Council of the League of Nations. (Ser. L.o.N. P. 1926.VI.A.17) . . . . .	5d.	\$0.10
Report on the Work of the Tenth Session of the Commission (Geneva, November 4th to 19th, 1926). (Ser. L.o.N. P. 1926.VI.A.22) . . . . .	5d.	\$0.10
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